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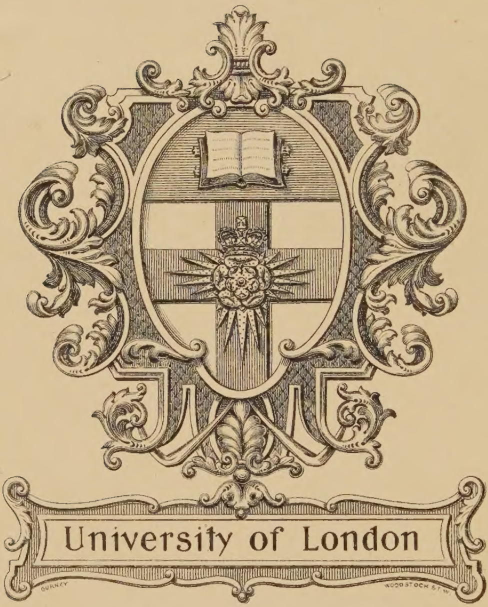

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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

1° VICTORIÆ, 1837-8.

VOL. XL.

COMPRISING THE PERIOD FROM

THE SIXTEENTH DAY OF JANUARY,

TO

THE TWENTIETH DAY OF FEBRUARY, 1838.

Second Volume of the Session.

LONDON:

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AND BALDWIN AND CRADOCK; BOOKER AND DOLMAN; LONGMAN AND CO.;
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J. BIGG; J. BOOTH.

1838.

TABLE OF CONTENTS

TO

VOLUME XL.

THIRD SERIES.

I. Subjects of Debate in the House of Lords.
II. Subjects of Debate in the House of Commons.
III. Lists of Divisions.
IV. Protests.

I. Subjects of Debate in the House of Lords.

1838. — Page

Jan. 16. Affairs of Canada—Papers laid on the Table—Notice of Motion on the subject 1

18. Affairs of Canada—Address to the Throne—Ministers' plan for the future government of Canada 162

19. Petty Offences—Petition—Trials at Quarter Sessions .. 246
Affairs of Canada—Petition—Explanation by Lord Brougham 249

22. Answer to the Address 253

23. Negro Emancipation—Petition and Explanation .. 352

29. Slave Trade—Petition—Statement of the increase of the Trade 596

Feb. 2. Affairs of Canada—Second Reading of the Canada Government Bill 644

5. Affairs of Canada—Mr. Roebuck heard at the Bar—Canada Government Bill committed and reported 734

6. Wording of Petitions—Omission of the word "humbly" .. 816

8. Affairs of Canada—Government Bill—Read a third time—Protests, &c. 837

1838. Page

Feb. 9. Education (Ireland)—Questions 930

Glasgow Cotton Spinners—Petition 931

See of Sodor and Man 940

12. Presbyterian Oaths (Ireland) Bill—Second Reading postponed 1002

15. Glasgow Cotton Spinners—Petitions—Motion for Papers .. 1124

Banking Joint-Stock Companies—Clergymen trading—Bill read a second time 1130

16. The Vote by Ballot—Petition 1225

19. Re-hearing of an Appeal—Petition 1247

20. Negro Emancipation—Motion for an Address—Resolutions—Counter Address—Division 1284

II. Subjects of Debate in the House of Commons.

Jan. 16. Affairs of Canada—Address to the Throne—Plans of the Government—Motion to Adjourn—Division Lists, &c. .. 7

17. Answer to the Address 95

Affairs of Canada—Leave to bring in a Bill to regulate the Government of Canada—Bill read a first time—Returns 96

The Petition of Mr. Roebuck to be heard at the Bar against the Canada Government Bill 159

22. Canada—Mr. Roebuck's Petition to be heard against the Canada Bill 254

Affairs of Canada—Government Bill read a second time—Mr. Roebuck heard at the Bar against it—Motion to commit it—Amendment to commit it in six months—Debate Adjourned 265

23. Private Bills Resolutions adopted by the House .. 353

Affairs of Canada—Adjourned Debate—Division, &c .. 358

25. Jury Laws (Scotland)—Cotton Spinners—Petition .. 473

Affairs of Canada—Government Bill committed *pro forma* 476

26. Affairs of Canada—Government Bill committed—Amendment proposed by the Ministers—Bill passed through Committee 543

29. Affairs of Canada—Government Bill read a third time—Amendment—Division, &c.—Bill passed 615

Feb. 2. The Caroline—The United States—Question 715

Sheriffs' Courts (Scotland)—Committee on the Bill—Divisions, &c., &c. 717

Pluralities—Second reading of the Bill 722

Municipal Corporations (Ireland)—Second reading of the Bill 723

1838. Page
Controverted Elections—Resolutions concerning Fees .. 725
Ships' Mortgages Bill—Second Reading—Bill withdrawn .. 726
Conacre Tenants (Ireland) Bill—Second reading .. 733

Feb. 5. Banking—Questions 773
Duty on Linen in France—Question 773
Regulations for Steam-boats—Question 774
Poor Laws (Ireland)—Second reading of the Bill .. 774
Parliamentary Electors and Freemen Bill—Committee—Amendment, and Divisions 789
The Coal Trade—Committee on the Coal Trade Acts—Bill to regulate the Trade read a first time 802

6. Co-partnership—Clergymen Trading—Bill to amend the law relative to Clergymen Trading—Read a first time .. 816
Parochial Schools (Scotland)—Bill to establish additional Parochial Schools—Read a first time 820
Desertion in Canada—Motion for Returns 823
Medical Charities (Ireland)—Bill to regulate them—Read a first time 831

7. Rating of Tenements—Second reading of the Bill postponed 832
Co-partnership—Clergymen Trading—Bill read a second time 837

8. Church-Rates—Question—Re-appointment of a Committee 889
Trade with France—Question 889
Charitable Bequests (Ireland)—Motion for an Address to appoint a Commission of Inquiry 890
Post-Office—Mr. Hill's Plan—Edinburgh Petition—Motion for a Committee 900
Day Mail to Scotland—Motion for Returns 906
Real Property—Leave given to bring in a Bill 912
Education in Canada—Motion for Returns 914
Votes in Committee—Motion to record them 916
Co-partnership—Clergymen Trading—Committee on the Bill 918
Qualification of Members—Committee on the Bill .. 922
Affairs of Canada—Government Bill returned from the Lords and agreed to 929

9. Catholic Members of Parliament—Petition 941
Poor Laws (Ireland)—Committee—Motion to postpone the Committee for six months—Divisions—Lists, &c. .. 947
Parliamentary Electors—Report on the Bill—Amendment—Divisions—Lists, &c. 992
Insane Persons—Third reading of the Bill deferred .. 1000

12. Breach of Privilege—Complaint by Mr. Wakley .. 1005
Poor Laws (Ireland)—Committee on the Bill—Amendment—Divisions, &c. &c. 1007

Page
1838.
Feb. 13. Pontefract Election Petition—To be hereafter considered .. 1030
Sligo Election—Complaint of Forged Signatures—Person ordered to attend at the Bar 1033
Occupation of Algiers—Motion for Papers 1045
The Glasgow Cotton Spinners—Motion for a Select Committee to inquire into the condition of the Glasgow Cotton Spinners Society—Amendment—Committee to inquire generally into Trade Combinations 1059

14. Sligo Election—Witnesses examined—Divisions, &c. .. 1106
Cork Sessions—Second reading of the Bill—Adjourned .. 1111
Church Property (Ireland)—Bill put off for six months .. 1113
Custody of Infants—Second reading of the Bill .. 1114

15. The Ballot—Motion for leave to bring in a Bill—Division—Lists, &c. 1131

16. House of Lords—Petition to make the Peers Elective .. 1228
Poor Laws (Ireland)—Committee on the Bill—Several Divisions 1229

19. Sir Francis Vane—Explanation concerning a charge of coercing Electors 1248
Parliamentary Electors—Third reading of the Bill—Division—Lists, &c. 1249
Poor Laws (Ireland)—Committee on the Bill 1203

20. Right of Petition 1360
Repeal of the New Poor Law—Motion for leave to bring in a Bill—Divisions—Lists, &c. 1362

III. Lists of Divisions.

Jan. 16. The Ayes and the Noes on the Adjournment of the Question to Address the Throne on the Affairs of Canada .. 93

23. The Ayes on the committal of the Canada Government Bill .. 469
The Noes 471
The Ayes and the Noes that the committal precede other business 472

29. The Ayes and the Noes on Third Reading of the Canada Government Bill 639

Feb. 2. The Ayes and the Noes on Clauses of the Sheriffs' (Scotland) Bill in Committee—Two Divisions 720

5. The Ayes and the Noes on dividing the Parliamentary Electors and Freemen Bill into two Bills 792
The Ayes and the Noes on an Amendment to the first Clause of the Freemen Bill 807

1838. Page
The Ayes and the Noes on the first Clause 810

Feb. 9. The Ayes and the Noes on the Committee on the Poor Laws (Ireland) Bill 990
The Ayes and the Noes on Parliamentary Electors Bill—Report 999

12. The Ayes and the Noes on the first Clause of Irish Poor Law 1023
The Ayes and the Noes on the twelfth Clause 1026

13. The Ayes and the Noes on discharging the Order of the Day to hear Witnesses in the Case of the Sligo Petition .. 1109

15. The Ayes and the Noes on the Ballot 1221

16. The Ayes and the Noes on the eighteenth Clause of the Poor Law (Ireland) Bill 1236
The Ayes and the Noes on the nineteenth Clause of the Poor Law (Ireland) Bill 1240
The Ayes and the Noes on the twenty-third Clause .. 1245

19. The Ayes and the Noes on the Third Reading of the Parliamentary Electors 1261
The Ayes and the Noes on the thirty-fifth Clause of the Poor Law Bill for Ireland 1282

20. The Ayes and the Noes on the previous Question to a Motion to repeal the New Poor Law 1413
The Ayes on leave to bring in a Bill 1416

IV. PROTESTS.

Feb. 8. By Lord Ellenborough, against the Third Reading of the Canada Government Bill 886
By Lord Brougham, against the same Bill 888
By Earl Fitzwilliam, against the same Bill 888

HANSARD'S

Parliamentary Debates

During the FIRST SESSION *of the* THIRTEENTH PARLIAMENT *of the United Kingdom of* GREAT BRITAIN
and IRELAND, *appointed to meet at Westminster*, 15*th November*, 1837,
in the First Year of the Reign of Her Majesty

QUEEN VICTORIA.

Second Volume of the Session.

HOUSE OF LORDS,

Tuesday, January 16, 1837.

MINUTES.] Petitions presented. By the Duke of RICHMOND, from Cupar, Angus, and Trail, for a uniform rate of Postage; and from Aberdeen, for an alteration in the Standing Orders, relative to Private Bills.—By the Marquess of LANSDOWNE, from a place in Wiltshire, for the immediate abolition of the Apprenticeship system in the West Indies.

AFFAIRS OF CANADA.] Lord *Glenelg* had, he said, to present to their Lordships, by the command of her Majesty, certain papers relative to the affairs of Canada. These papers, he had to apprise their Lordships, were the sequel to papers presented to that House about three weeks ago. He wished then to state to their Lordships, that in submitting to them these papers, which would be found to relate to the same subject as the papers formerly presented, it was his disposition —he might say more, it was his wish—if he had their Lordships' concurrence in so doing, at once to enter into the subject to which these papers referred. But he was aware that there was some informality in such a proceeding; and that the more regular course would be to fix a time at which the subject could be brought under the consideration of the House. He was quite ready, he was quite prepared, to enter into the subject then, and to submit it to their Lordships' consideration; but he was induced to submit to their Lordships' judgment, whether he ought to proceed at that moment, or whether he should call the consideration of the House to the subject on the earliest day possible. On this point, then, he wished to submit to their Lordships' judgment. If it was their Lordships' wish or opinion that he had better not enter upon the subject then, he would give notice that he would, on the earliest day possible, on Thursday, move an humble address to her Majesty on the subject of the affairs of Canada.

Lord *Brougham* observed, that having taken an active part, as one of his late Majesty's servants, with respect to this subject, and having given to it the most solemn and serious consideration, when it was heretofore in that House, he felt bound to say, without wishing to delay the expression of his opinion upon this subject, that he thought the most convenient course now to be followed was that which was most customary—the giving notice of the intention to move an address at the earliest possible period. He was clearly of opinion that this would be the fairest course of proceeding towards her Majesty's Government, the fairest towards their Lordships, and the most just and satisfactory to all the parties concerned.

Viscount *Melbourne* said, that with respect to this subject a different course had been pursued by their Lordships from that which he wished, and which had been adopted previous to the adjournment by the other House of Parliament. His noble Friend (Lord John Russell) had given distinct notice that he would make a motion upon the subject of Canada. He (Lord Melbourne) certainly had said, that he would call the attention of their Lordships to it, but he had not given any distinct notice for a particular day on which he might bring it forward; nor were their Lordships summoned. Under such circumstances he did not think it right nor fair to call upon their Lordships for a distinct vote upon measures of such importance; but at the same time he felt that there was a certain degree of inconvenience, and that it might appear disrespectful to their Lordships, that a statement should be made to the other House and no statement made in this. He had suggested to his noble Friend the course that he considered ought to be followed in laying the papers upon the Table of their Lordships' House, and it was out of respect to their Lordships that he adopted the course now submitted to them. He certainly felt, that the course the most proper and the most convenient would be for his noble Friend to give notice of his motion for Thursday, and he begged of their Lordships to understand that this course was proposed out of deference to them.

The Duke of *Wellington* thought, that it would be most desirable to know what was the nature of the proceedings to be proposed by her Majesty's Government at the next meeting of that House. He confessed that be had a very strong opinion upon this subject. It was his opinion that the course of proceeding by an Address from that and the other House of Parliament, was not a regular course of proceeding in such a case as the present. His opinion was, that this was a case of war. He was sorry to say it—it was a case of war—hostilities had been already committed. In such a case, then, the original proceeding ought to be a message from her Majesty, and an answer to her Majesty's message; then their House ought to adopt an humble Address to her Majesty. That was his opinion as to what ought to be the natural course of proceeding on this subject. He was the more anxious upon this point because his opinion was, that that course of proceeding ought to be adopted which was most likely to serve as the foundation for the successful termination of the unfortunate state of affairs in the country to which these proceedings related. His opinion was, that her Majesty and her Majesty's Government ought to speak out upon this subject. Not only they, in both Houses of Parliament, but also the country, ought to understand upon what ground it was, that her Majesty and her Majesty's Government intended to stand upon this question, and that, too, in relation to that country and to Canada; and the sooner they understood this the better, and the more speedy would be the termination of these unfortunate disputes. He had no doubt that her Majesty's Ministers would call upon Parliament to support her Majesty's Government. He hoped they would call upon Parliament in such a manner as that Parliament would be enabled to pledge themselves to the support of her Majesty, and that preparations would be made for bringing the war to a speedy and certain conclusion as soon as the season opened. If such a course were proposed he should be prepared to support her Majesty's Government. He entreated their Lordships, and he entreated her Majesty's Government, not to submit to any other course. He intreated them to remember that a great country like this could have no such thing as a little war. He wished them to understand that they ought to enter on such operations upon such a scale, and in such a manner, and with such a determination to the final object, as must make it quite certain that they would succeed, and that, too, at the earliest possible period after the season opened. He begged to ask of her Majesty's Government as to the course which was intended to be pursued upon Thursday next, in order that they might prepare themselves fairly for the discussion.

Viscount *Melbourne* agreed in the opinions which had been expressed by the noble Duke; he quite agreed with him in the necessity of her Majesty's Government being explicit as to the line of conduct which they proposed to adopt; and he quite agreed with the reasonableness of the expectation entertained by the noble Duke that the preparations made should be on such a scale as to bring these affairs to a speedy conclusion. Perhaps in the first instance, the more usual course ought to be the sending down a message; but papers had been sent down, and those papers constituted a message. There would then have been an inconvenience and an incongruity in sending down a message from the Throne, after the principal matter which must form the subject of that message was already before the House. The noble Lord had said, that he hoped her Majesty's Ministers would speak out upon the present occasion. Undoubtedly they would; and he was ready to admit that though it might have given somewhat more solemnity and weight to their present proceedings to have had a msssage from the Throne in the first instance, yet he trusted that both her Majesty's Ministers and the Houses of Parliament would adopt such a tone as must render sufficiently apparent the determination of this country, consistently with a due regard to the rights of others, to maintain its dignity and station amongst the nations of the earth.

Lord *Ellenborough* was understood to say that their Lordships' ought to know the terms of the address. A message if sent down to the House would apprise them of that of which the papers did not inform them, the existence of a state of war. The papers which they then had did not tell them when war had commenced, although they might shew that it existed. He wished the noble Baron to tell them the terms of the address he meant to propose. He could not support that address if it called upon him to approve the course which her Majesty's Government had followed. He adverted to the course followed by them, which was disclosed in the correspondence before their Lordships. He thought that the noble Baron had said, that the papers which he had now to present to their Lordships were merely the sequel to those he had before presented. He wished the noble Baron would tell them why this course was pursued with the papers that had been received. He never recollected in any instance of such a correspondence that the date of the writing of a letter was given, and not the date at which it had been received. It was impossible to understand the correspondence without the dates. He had to remark that there was a very great *hiatus* in this correspondence. He saw that on the 20th of November, 1836, it was stated by the noble Baron, in a letter to Lord Gosford, that "he should very shortly have to address him fully upon the nature of the proceedings which it would be necessary to adopt, to arrest the proceedings in the colony, should they be persisted in." Now, he found no dispatch between that and the 11th of March, 1837, when, in a letter sent by the noble Baron to Lord Gosford, it was said—"Although I am unable at the present moment to enter as fully as the occasion might seem to require into an explanation of the reasons for the course which his Majesty's Government have felt it their duty to adopt in relation to the affairs of Lower Canada, nor into a statement of the duties which will consequently devolve upon your Lordship, I feel it incumbent on me to avail myself of the first opportunity which has offered since the affairs of Lower Canada have been brought before the House of Commons of informing you of the proceedings of Parliament with reference to this subject." He wished to know had there been any dispatch sent between the 20th of November, 1836, and the 11th of March, 1837; and if there were, could it be communicated without detriment to the public service? He wished to know if the noble Baron had kept his word, and had entered into the explanation of the intentions of her Majesty's Government?

Lord *Glenelg* certainly intended, when he laid the papers before the House to have followed them up with the dispatches since received. He had not looked to the dates of the last dispatches, nor did he then recollect the particular date to which the noble Baron alluded. He certainly should examine as to the paper referred to; and whatever dispatch could be produced between November and March without detriment to her Majesty's service should undoubtedly be produced. His impression then was, that the entire correspondence was before the House.

Lord *Brougham* said, that there were several other *hiatuses* in the correspondence which he desiderated very much to understand; but then he assumed, and he was bound to assume, that her Majesty's Ministers, as men of business, knowing their own case, gave all the necessary papers, and he therefore, presumed that there were no other papers relating to the point in question. As to what had been referred to by the noble Lord (Lord Ellenborough) it appeared to him to be a very extraordinary *lacuna* indeed, for without the instructions promised by the noble Baron, Lord Gosford could not have acted. He, however, took it for granted that there were no other papers to be produced than those before the House. Yet there were many other blanks in this correspondence; but he could not now point them out without entering into the whole question. Perhaps, however, his noble Friend would supply the defects which had been referred to between that and Thursday, or the matter might be proceeded with to-morrow.

The Earl of *Ripon* remarked that the seat of Government in Upper Canada had been attacked. No part of the papers produced, referred to that province, and he wished to know the reason why; for it appeared that Mr. M'Kenzie had obtained temporary possession of the capital of Upper Canada. [*"No, no!"*] Then the reason why Mr. M'Kenzie had had a chance of obtaining possession of it was, that the troops had been sent to Lower Canada to Sir John Colborne. He was surprised that no information was given upon that subject.

Lord *Glenelg* admitted, that the two subjects were very closely connected; but he had no official account on the subject referred to by his noble Friend. The papers he presented related to the transfer of the troops from Upper to Lower Canada.

Papers laid on the Table.

HOUSE OF COMMONS,

Tuesday, January 16, 1838.

MINUTES.] Petitions presented. By Mr. BROTHERTON, from Tenby, for the more speedy recovery of Small Debts.—By Mr. G. F. YOUNG, from North Shields, for the repeal of the Posting and Mileage duties; and from the Ship-owners of Newcastle, for a repeal of the duties on Marine Insurances.—By Mr. HUME, from the Brentford Political Union, for conciliatory measures towards the Canadians.—By Lord MORPETH, from Osset (Yorkshire), to prohibit children under nine years of age from working in Factories.—By Lord DALMENY, from Stirling, for the repeal of the Window-tax.—By Mr. DIVETT, from 1,500 Tavern-keepers, for the repeal of the Window-tax, and the taxes on Innkeepers' Servants.

AFFAIRS OF CANADA.] Lord *J. Russell:* Mr. Speaker, I rise in pursuance of the promise which I made to the House on a former occasion, to bring under its consideration at the earliest possible opportunity, the affairs of Canada. In proportion to the satisfaction which I feel whenever it falls to my lot to propose any measure ensuring additional advantages to my fellow subjects, or an improvement in the laws, is the pain which I now suffer in having to treat of measures of an opposite nature, in regard to a part of her Majesty's dominions, in which the horrors and misfortunes of civil war are now prevailing, and to ask the House to suspend, though only for a time, the constitutional liberties of that portion of the British territories. But, though I feel that I always approach one of these subjects with satisfaction and the other with sorrow, the one is a duty no less incumbent upon me than the other. I feel that I can no longer delay to ask the House for power to maintain the authority of her Majesty in Lower Canada. If it were only on the score of humanity, I am convinced, that, instead of preventing bloodshed, I should be only giving the word for all the horrors of civil war, were I to follow the advice which has been tendered by some, and withdraw the troops of her Majesty from that part of her dominions. With these feelings, therefore, it is my duty to propose to the House, in the first place, that an Address be sent up to the Crown, stating the concern of the House at the revolt and disturbances which exist in Lower Canada, and pledging itself to assist her Majesty in restoring tranquillity in that part of her dominions: and in the next place to move for leave to bring in a Bill, by which, for a certain time, the calling of an Assembly in that province, which is now incumbent on the Governor for the time being, may be suspended, and, by the means which I shall state to the House, that authority be given to meet the present emergency, and to provide for the future government of the province. In bringing this subject before the House, I feel that I shall not obtain its assent, unless I refute two propositions which have been confidently put forward. The first of these assertion is that the course pursued by this country in respect to Lower Canada has been unjust, and the second is, that whatever be the justice of the case, it is expedient to abandon the colony, and make an early separation between it and the mother country. In debating the first of these propositions it becomes necessary for me, in many respects to arraign the conduct of the Assembly of Lower Canada. I am sensible, Sir, how invidious a task it may seem to arraign in this place, the conduct of any other, and particularly a distant Assembly: but I feel that in so doing in the present instance, I could not make out the case which I wish to establish, that in our present breach with the Assembly, our conduct has been founded in justice; that the course which we pursued last year was necessary, and, further, that we shall be justified now in suspending the constitution of that province. I say, I shall be obliged to arraign the conduct of the Assembly of Lower Canada, but in what I say, and also in the course of policy which we may have to pursue, I wish that neither Parliament nor the Government to which I belong shall be chargeable with the vice of intemperance. In an individual, intemperance may be combined with the best feelings and dispositions, but in a Government it is the worst quality it can be possessed of. In a despotic government it becomes tyranny, whilst in that of a free country, intemperance influencing the passions, produces endless confusion, and finally, the subversion of the constitution. In considering the conduct of the Assembly of Lower Canada we must look at the nature of the Government by which this country first proposed to govern that province. The title of this country to Canada depends upon the treaty of peace of 1763. Soon after that treaty a proclamation was published respecting the mode of government which it was intended to apply to it; but, in point of fact, for some time English courts pursuing the method, and regulated by the decisions of English courts, held jurisdiction in the province; and, according to a report from General Murray, who succeeded to the government of the province after its conquest by General Wolfe, many hardships and grievances were suffered by the French Canadians in the administration of justice. But, whatever these hardships or grievances might have been, a remedy was applied to them by the act of 1774. Sir, I apprehend that never was a stronger inclination evinced by any country to act according to the feelings, habits, and prejudices of a dependent colony than in that act of 1774. By that act the Roman Catholic religion was established in the province of Canada, and the clergy of that persuasion were to continue to receive the tithes and other dues which they had been accustomed to receive; and, further, the French laws of property, and, indeed, the French laws in all matters except the criminal law, were to govern the colony. Now, Sir, with respect to the former of these provisions, it should be borne in mind, that it was passed at a time when nothing was less favoured by Parliament than the Roman Catholic religion, as was shown in Ireland where the severity of the penal laws had been scarcely relaxed. With respect to the laws of property, nothing could be more adverse to the feelings of this country than the old feudal system of tenure which still prevailed in Canada. It had always been one of the greatest efforts made by the Parliament to wipe off what Blackstone calls "the slavery of the feudal tenures." That was at length accomplished in the reign of Charles 2nd, and the writer whom I have just referred to, says that the benefit thus bestowed on the country was not less important than those conferred by the Habeas Corpus Act itself. Sir, those tenures were considered, and I think, rightly, of slavish origin. According to Montesquieu, the very terms used in them had a slavish import; for instance, that he who paid *cens* was a serf, and he who did not was free. Then, in adopting the French law in this respect, the English Parliament was a party to the introduction of a species of law contrary to the genius of the British constitution, and to which all English settlers in that colony would naturally feel the strongest objection. But the reason why that law was adopted was the same as that which justified the establishment of the Roman Catholic religion, namely, because it was most congenial to the feelings and habits of the French portion of the inhabitants of that province. Sir, this constitution remained in force till the year 1791. In that year, it was proposed to frame a new constitution, and I must say, that looking to the debates of that period, and to the enactments of the law itself, with the light which experience affords, I do not think that law was very wisely framed with a view to its permanent continuance, and with the intention of preserving permanent harmony between all classes of the people. Sir, the policy of this country with regard to her colonies has been generally one of great lenity. In some colonies where the population is chiefly British, and the feelings and habits are therefore chiefly British, the British laws and constitution have been introduced, so far as they were applicable to the different state of society in the colony from that in the mother country; and according to that constitution the people are left to regulate their internal affairs. In other colonies which are of foreign origin there has been a power of governor and council more despotic in its nature, without the form of a real constitution, but at the same time the inhabitants were always left to enjoy whatever was congenial to their habits or feelings in the laws of Spanish, French, or Dutch origin, or whatever it might be, under which the colony was originally founded, and by which its concerns had been formerly regulated. Sir, looking back to the past, with the benefit of experience, I think that what was proposed by Mr. Fox at the time of establishing a constitution in Canada, would have given a better prospect of permanent tranquillity than the constitution which was then adopted. Mr. Fox maintained it was not wise to separate the upper from the lower province, but that it would be better to encourage the influx of British settlers in both, and endeavour to introduce by degrees British laws, with, as he said, a due weight of aristocracy. It may be doubted whether it would have been proper at that time to leave the introduction of British laws to the gradual operation of custom and the influx of British emigrants. I own that it appears to me that the wise course would have been, when, if the legislature were determined to introduce a representative constitution, instead of the more despotic governor and council, finding that the more despotic authority which had hitherto subsisted was not sufficient for the welfare and contentment of the province, while it introduced the representative constitution, it should at the same time have made a settlement with respect to English and French law, and only adopted so much of the latter as was necessary to prevent the French Canadians from being disquieted in their possessions, and having so done, it should have made general arrangements for a Legislative Council and a representative House of Assembly. But that course, which might have been taken, was not adopted at that period, and a law was passed on the presumption that the French would entirely inhabit one province and British settlers the other, Lower Canada being devoted or left to the French Canadians, and Upper Canada being the province into which it was expected British enterprise and emigration would flow. At the same time there was introduced into each province an assembly consisting of the representatives of the people, with rather a low rate of franchise, and a Legislative Council, to be formed partly of members with hereditary titles, and partly of members named for life by the governor. With regard to the latter part of this arrangement I do not think that it was a just application of the British constitution. With regard to the House of Lords, though every privilege may be liable at times to abuse, yet we all know that there must be some distinction of eminence or some consideration of large property to justify a Minister in proposing to the Sovereign to elevate a commoner to the House of Lords. In Lower Canada the case was not the same: the person on whom the distinction was to be conferred was not so easily pointed out, and there was not that great and paramount check upon the exercise of this privilege which existed in this country. With regard to the House of Assembly, also, I think that that constitution was not wisely framed when the state of education in that colony is considered, and the power that constitution bestowed on the people. However, there could be no doubt that the constitution was so framed, whether wisely or no—and the criticisms he made on it might be unfounded and injudicious—but that the constitution was so framed with the sincere view to enlarge the privileges and provide for the welfare of the people of Canada it was impossible to deny. No one can doubt that the intention of the Legislature was, not to draw any undue power to the Government of this country, but to provide mainly, and in the first instance, for the welfare of the colony. I think, then, I may say, that with respect to the constitution of 1774 and 1791, this country had not been an oppressor in the mode by which it was proposed to administer the affairs of her colonies. I do not wish to state this for the purpose of making a debtor and creditor account between Lower Canada and this country, as relates to benefits mutually given and received—still less do I state it for the purpose of imputing ingratitude to the people of that colony. On the contrary I am happy to say, that whilst the intentions of the Legislature were those of kindness towards Canada on two great occasions, namely, in the war with the United States, and towards the conclusion of the last war with France, the Canadians came forward with loyalty and zeal to show their affection for this country; so that if we had been kind on the one hand, we had met with a return of affection and loyalty on the other. But the constitution so framed did contain within itself the seeds of difficulty, although for some time the difficulties were not felt. In 1810 there were some violent measures on the part of the Governor of Canada, and violent opposition on the part of the Assembly, which ended in the dissolution of that body, and the excitement of an angry state of feeling in the provinces.

But the dissensions on which much of what subsequently passed had turned began in the year 1818. It had been for some time the practice in Canada to vote certain sums for the maintenance of the Government, what was further required being supplied by the votes of the House of Commons. The Assembly of Canada had asked that all the supplies should be voted by themselves, that their Government might not be left dependent on the votes of the House of Commons. A petition was presented to that effect, which, though rejected at the time, was afterwards acceded to; but when the Duke of Richmond was there, a new mode of voting the supplies by chapters was proposed, and soon afterwards, under Lord Dalhousie, a permanent grant was required for a considerable part of the supplies. This led to a resistance on the part of the Assembly, and both those propositions were given up; the Assembly gained its point, the supplies were regularly proposed, item by item, and nothing more beyond the annual vote was asked for. This decision, however, led to new debates, and after a certain time, Mr. Huskisson, who was then Colonial Secretary, thought it fit to bring the questions under the consideration of Parliament, and caused a Select Committee to be appointed to consider the question then at issue with the House of Assembly. Before I state what the report of that Committee was, and the result of what was done, I wish to call the attention of the House to the instructions which were given by Sir George Murray, who was subsequently Secretary of State under the Duke of Wellington, before the report of the Committee had been taken into consideration. I wish to quote those instructions, in order to show that the policy of the Government of that day was, as of every Government since, a policy of forbearance and moderation, evincing a constant desire to consult the interests and to meet the wishes of the inhabitants of Lower Canada, as far as possible, consistently with a due regard to the maintenance of British authority. Sir G. Murray found, that according to the law of France, certain duties, imposed by an act passed by the Imperial Parliament in 1774, and which were granted in lieu of other duties that had been found more oppressive, were the only ones that could be appropriated by the Lords of the Treasury in this country to discharge the various expenses of the Colonial Government. He, therefore, instructed Sir J. Kempt, who, fortunately for this country, was then at the head of the Government of the province, in what manner to proceed with respect to those duties. Although the extract is of considerable length, I will read it, as it will show the policy which the British Government had thought it becoming and necessary to pursue towards the Canadians.

"The proceeds of the above-mentioned duties, said Sir G. Murray, and of the territorial revenue of the Crown, with the produce of fines, forfeitures, and other incidents of that nature, appear to constitute, however, the only fund which his Majesty's Government can lawfully apply, at its discretion, to the defraying the expenses of the civil government and those of the administration of justice in the province. It is, therefore, to be understood for the future, as a fixed and unalterable principle, that, with the exception of the funds already mentioned, no part of the revenue of Lower Canada must be applied to the public service, nor to any object whatever, except in pursuance of an act of appropriation passed by the three branches of the local Legislature. I am by no means insensible to the consequence which must necessarily result from the recognition and the observance of this principle. So long as the Assembly is called upon to provide for and to regulate any portion of the public expenditure, it will virtually acquire a control over the whole. If the entire charge of the civil government of the province could be limited to the amount of the Crown revenues, it might be possible to act without any dependence on the Assembly But whether such a result would be desirable, or would be really conducive to the welfare of the province at large, it is unnecessary for me to inquire. It is sufficient to say that, under the existing law, the executive government of Lower Canada cannot be relieved from a state of virtual pecuniary dependence upon the Assembly, by any constitutional means; and methods of a different nature must not be resorted to."

This instruction clearly shows, that Sir George Murray meant to bind himself and the Government to which he belonged, to a precise and exact observance of the constitution. Sir George Murray saw that the adoption of the principle laid down in the instructions quoted, would necessarily make the Government dependent on the House of Assembly for the pecuniary supplies indispensable to its support; but he embraced that necessity, and determined that the constitution should not be departed from. I next come to the course adopted by the Committee of 1828, which made a report to this House containing many suggestions regarding the affairs of Canada. I will read to the House the language employed in allusion to this report in an address agreed to by the House of Assembly on the 21st of November, 1828. The noble Lord then read the following extract from an Address of the Assembly of Lower Canada to Sir James Kempt, in answer to the speech with which he opened the session of the Provincial Parliament on the 21st of November, 1828:—

> "As soon as the inhabitants of Lower Canada made known to the King the sufferings of the country, and suggested the remedy for those evils—as soon as their humble petitions were laid at the foot of the throne—the Sovereign, ever inclined towards constantly faithful subjects, positively ordered that those petitions should be forthwith submitted to the supreme tribunal of the empire. The charges and well-founded complaints of the Canadians, before that august senate, were referred to a Committee of the House of Commons, indicated by the Colonial minister; that Committee exhibiting a striking combination of talent and patriotism, uniting a general knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas, formally applauded almost all the reforms which the Canadian people and their representatives demanded, and still fervently demand. After solemn investigation, after deep and prolonged deliberation, the Committee made a report—an imperishable monument of their justice and profound wisdom—an authentic testimonial of the reality of our grievances, and of the justice of our complaints, faithfully interpreting our wishes and our wants."

Now, one would have supposed, when the Canadian Assembly spoke in this manner of the report of the Committee, and eulogised it as an imperishable monument of justice and profound wisdom—that after the Government and people of this country had proved themselves anxious to perform—ay, more than perform, all that was asked for, and that was indicated by the report of the Committee, some satisfaction would have been produced in the minds of the Canadians, and some expression of cordiality towards the British Government would have been used by them. The effect, unfortunately, I am sorry to say, was so much the reverse of this, that after an attempt made to fulfil every wish entertained by the Canadians—after an attempt to remove every grievance under which they laboured, the complaints of the Assembly were uttered in a louder tone, and assumed a more bitter form. If I desired to enumerate the particular instances in which the Government of this country had attempted to comply with the suggestions of the report, I need only refer to the very clear statement of them made in a minute drawn up by Lord Aberdeen, and intended to be transmitted for the guidance of Lord Amherst, when that nobleman was appointed Governor of Lower Canada. I will allude at present only to three or four of the grievances specified in a resolution of the House of Assembly. It was stated by the Committee of the House, that they were of opinion that the revenue implied in the act of 1774 should be given up to the Assembly, but that they at the same time thought, that while the judges should not hold office for life, or, even during good behaviour, those functionaries should be relieved from dependence on the annual votes of the Assembly. There is much good sense in this recommendation, as appears by a circumstance which happened in Canada, but which certainly will hardly be credited in this House. One of the judges having expressed certain opinions, some time before his nomination to that office, adverse to the notions entertained by the Assembly, that body thought it decent and proper to withhold his salary as a mark of their disapprobation. However, on the opinion of the Committee being made known in Canada in the year 1828, the Assembly allowed that the proposition made by the Committee with reference to the judges was reasonable, and they resolved, on December 6, 1828—

> "That on the permanent settlement before mentioned being effected with the consent of this House, it will be expedient to render the governor, lieutenant-governor, or person administering the government for the time being, the judges or executive councillors, independent of the annual vote of this House, to the extent of their present salaries.
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> "That amongst those questions not particularly mentioned on the present occasion, this House holds as most desirable to be admitted, and most essential to the future peace, welfare, and good government of the province, viz., the independence of the judges, and their removal from the political business of the province; the responsibility and accountability of public officers; a greater independence of support from the public revenues, and more intimate connexion with the interests of the colony in the composition of the Legislative Council; the application of the late property of the Jesuits to the purposes of general education; the removal of all obstructions to the settlement of the country, particularly by Crown and clergy reserves remaining unoccupied in the neighbourhood of Roode and Settlewaite, and exempt from the common

burdens; and a diligent inquiry into, and a ready redress of all grievances and abuses which may be found to exist, or which may have been petitioned against by the subjects in this province, thereby assuring to all the invaluable benefit of an impartial, conciliatory, and constitutional Government, and restoring a well-founded and reciprocal confidence between the governors and the governed."

Now, Sir, I will state what has been done in order to remedy the particular grievances thus set forth. With respect to the independence of the judges, and their removal from the political business of the province, Lord Goderich (now the Earl of Ripon) fully concurred in the reasonableness of the proposal, and himself suggested the manner in which the object might be accomplished. But the House of Assembly, instead of following out the suggestion, tacked to the law by which the independence of the judges was to be secured, certain provisions relating to the hereditary revenues of the Crown to which they pretended a claim, and other provisions respecting a court of impeachment for the judges. This was a method of treating the proposal of the Crown well calculated to excite a suspicion that the object put forth by the House of Assembly was not what it really wished to attain. The independence of the judges was simply and of itself a positive good, and the annexation of perplexing conditions was a tolerably good proof that it was not their wish to rid themselves of the grievance of which they complained. Certainly it was the practice of former times in this House, when the Crown asked for a supply or made some other request, to grant it only on certain conditions which the House might think advisable for the benefit of the subject; but I never heard, when a Bill for the benefit of the subject, and solely proceeding from the wish of the House, was passed, that it was usual to clog it with impracticable conditions. With respect to the accountability of public officers, on this subject, too, Lord Ripon had proposed a measure which the House of Assembly would not allow to pass, though it was planned with a view to secure greater independence of the public revenues in the officers of Government and a more intimate connexion with the colonies of the persons composing the Legislative Council. With respect to that subject, on which unfortunately there had been the widest difference of opinion between the Assembly of Lower Canada and this country, no objection has been advanced, no opposition has been offered, to a compliance with the terms of the Assembly's resolution. It was determined at once, that the judges should be told they ought not to sit in the Legislative Council, with the exception of the chief-justice, and a number of persons were added to that body having no connexion with the Crown, totally independent of office, and giving on the whole a great majority in the Legislative Council, to those who were unconnected with the Government of the colony. An attempt was likewise made to effect a measure always desirable—to introduce a greater proportion of French Canadians into the Council, by far the majority of the new Members of that body being of that extraction. The Assembly might indeed say, that those were not persons agreeable to their wishes, or acquainted with their wants; but the question was, whether they were not independent of office, and intimately connected with the interests of the colony. If other persons can be found, from their station in the colony and their independence, who deserve to be placed in the Legislative Council, that is a matter surely of arrangement and compromise, and not one sufficient to warrant a disturbance of the tranquillity of the colony. Thus stands the matter at present, according to the last determination of Lord Gosford, which had been approved by her Majesty's Government. Of the forty Members of the Council, not less than eighteen are French Canadians. Many of the Members of English origin are not likely to attend again, having removed from the colonies, and thus the majority was on the side of the French Canadians, there being only seven in official connexion with the Government of the province. So far as the Assembly's demands of 1828 are concerned —so far as the nature of the grievances, as they were called, could be met, a remedy had been already applied. Another question regarded the application of the property of the Jesuits to the purposes of general education. That demand has already been assented to by the House; the whole of the income derived from the property of the Jesuits has been ordered to be applied to purposes of education; and the only shadow of grievance connected with this subject now remaining, as declared in a subsequent resolution, was, that leases of the property had been given to persons other than those whom the Assembly desired to possess it. That was a grievance which, unless the uncontrolled administration of these estates was placed in the hands of the Assembly, to be conferred upon their friends and nominees, it was quite impossible to remove. Another question relates to the removal of all obstructions to the settlement of the country presented by the Crown, and clergy reserves which remained unoccupied in the neighbourhood of the cultivated lands. On this subject I will refer the House to a despatch of Lord Ripon, which does the highest honour to the wisdom of that nobleman, who declared that he was ready to put an end to the former system, while, at the same time, he stated, that he was not ready to adopt the remedy proposed by the House of Assembly. The noble Lord stated it to be his opinion that none of the particular lands alluded to, or of any lands in the possession of the Crown, should be given except for an adequate consideration, and pointed out, that they should be sold at a fair price, without any distinction being made or favour shown. The Assembly had particularly adverted to the management of the waste lands, in consequence of which they declared applicants were excluded from competition, and prevented from holding the land by secure titles without much expense and delay. Lord Ripon said, "I must dissent from the view here taken by the Assembly, and must say, that a careful consideration of the subject induces me to think that the prevention in some degree of the extreme facility of buying land, instead of being injurious to the occupants of the Crown lands, would be found favourable to their success, no less than to the welfare and prosperity of the province at large." Having stated this, he went on to say, "I am of opinion that an end should be put to the system of setting apart any portion of waste lands to the support of the Protestant clergy, since a system which would be objectionable in rendering Government independent of the Assembly would be still more objectionable when applied for the support of the ministers of religion." Lord Ripon added, that in order to guard the governor against the slightest suspicion of partiality in the disposal of the lands, the utmost freedom of bidding should be encouraged, the greatest publicity given to the sales, and the lands, as a matter of course, secured to the highest bidder. Now, Sir, I ask whether that proposition of Lord Ripon was not one which was more calculated to benefit the province, more fair in itself, less liable to any suspicion of partiality, and less open to the charge that Government will hereafter derive influence from the disposal of those lands, than that which the Assembly itself had made; and whether, for this grievance, a full and adequate remedy has not been proposed? Sir, there was another grievance, as I before stated, or rather another dispute. It was the dispute with respect to the duties derived under the Act of the 14th of George 3rd. With respect to those duties it was urged, and no doubt rightfully urged by those who then held the Government of this country, that that law bound the Treasury abroad for the sum derived from the duties which it imposed. It was urged, rather by inference from the spirit of the constitution than in accordance with the letter of the law, that the Acts of 1778 and 1791, taken together, made it fit that those duties should be left to the appropriation of the local assembly. A Committee recommended that the view of the assembly should be adopted, but recommended likewise that a permanent settlement should be made for the salary of the judges and other officers. The assembly, while it agreed to be responsible for what it had itself proposed, did not consent to carry the whole recommendations into effect. But what, then, was the conduct of the Government of this country? There was introduced into this House, in the year 1831, an Act, originally moved by Lord Ripon in the other House of Parliament, which entirely repealed the power of appropriation by this country, and left it to the Assembly of Lower Canada (without condition—without stipulation) to dispose altogether of those duties. Now, I ask, could any remedy be more full—less indicative of hesitation or distrust? Could any remedy be proposed which showed a more generous confidence than that with which Lord Ripon proposed to meet the grievance which was complained of? It has been urged, certainly, and it may be contended, that the Government went too far in making that concession. It may be said, that this was an incautious assent to the demand of the House of Assembly. I am not of that opinion. I think if we had not made that compact, we should have been driven into a quarrel on ground on which it would not be safe to contend. Questions of revenue, on which Government takes a view in contradiction to that of the Assembly, are the most difficult to maintain; for when the question regards duties similar to those of which the Assembly possesses the control, no doubt there is a strong argument from analogy in its favour. If we had not made this arrangement, no doubt the Canadians would have asked Government to surrender the revenue unconditionally; and if it had refused, a quarrel might have ensued on less defensible grounds than those which now supported them—a quarrel in which none of our North American colonies would have taken part with the mother country, and in which they would rather have sympathised with the Canadian Assembly. For these reasons I think the proposition of Lord Ripon displayed a wise as well as a generous confidence; but, at the same time, I am of opinion that it might have been expected that, after having made that concession, after having remedied whatever grievances were complained of in the full manner which was proposed by the course to be taken by the Government, a disposition would have been shown by the Assembly of Lower Canada to meet what had been done with a conciliatory disposition, and to consider the remaining grievances in a friendly and amicable spirit. I regret to say that this was not the case. In the year 1833, at the time that these questions had been either settled, or proposed to be settled, conformably to the wishes of the Assembly, a supply bill passed that House of Assembly, containing the most unusual conditions, and providing that the persons holding certain offices should not be allowed salaries unless they ceased to hold certain other offices. Sir, these propositions may have been in themselves just or unjust, reasonable or unreasonable; but the Bill was rejected on the ground—which the noble Lord opposite (Lord Stanley) who was then Secretary of the Colonies, approved—that these propositions were tacked to a money bill, which, therefore, as a matter of supply, could not be passed in that shape. I think the noble Lord was right in urging that these questions should have been proposed in a different shape. But the Supply Bill having failed in that year, in 1834 the Assembly met again, and adopted a new course, which has led to the present difficulties. I say that it adopted a new course, which led to the present difficulties, because, with respect to all that had been before stated — with respect to the investigation of the Committee of the year 1828, which had furnished, they said, a report which was " an imperishable monument of wisdom and justice"—and with respect to their own statements in the reports and petitions of their assembly, every grievance had been met, fairly considered, and nearly all of them had been adequately remedied. Well then, Sir, what was the result?—contentment, satisfaction in voting the supplies, and a more harmonious working of the Canadian constitution? Quite the reverse. The course taken was, that the Canadian Assembly passed ninety-two resolutions, some of grievance, some of eulogy, some of vituperation, some directed against individuals, some against the governor of the province, some against the government at home, but all amounting to a long and vehement remonstrance, which they passed a whole session in framing, and separated without passing any supply bill whatever. This was the point of departure taken by those who caused a new breach in the proceedings of the Assembly. Those who on former occasions appeared before us as the able interpreters of their wants and wishes, at this time deserted the prosecution of their grievances. They comprised men whose names are known to this House, who have been most familiar with the history of Canadian affairs, and who had been the most able and intelligent in laying before the Legislature their grievances, and in many cases urging just grounds for redress —these men when they saw that the object was to put a stop to the machine of government and to make impracticable conditions with the executive, at once withdrew from the contest and separated themselves from the violent party who took the lead in it. And on this occasion let me call the attention of the House to the benefit which is to be derived in all contests like the present from applying to all real grievances a satisfactory remedy. I know that some there are who, from feelings of national pride, and from a mistaken sense of national honour, are inclined to say, " the petition is couched in disrespectful language; it goes much too far, let us not listen to it." But it is the duty of the House, and it is more especially the duty of those who are intrusted with the administration of the country, to examine into all real grievances, and as far as they can, to remedy them; and when that is done, they might be sure that, though there might be persons who for a time might succeed in misleading the people as to their real interest, those who were sincere in their complaints, and who sought not their own individual aggrandizement, but the real welfare and prosperity of the country, would stand by the Government in resistance to all ulterior and unreasonable demands; and thus by every remedy which it granted it gained additional strength to sustain any new contest which might be forced on it. Such has been the effect of the late measures taken with respect to Lower Canada—such continues to be the effect of them even up to the present hour. But to return to the events which I feel it to be my duty to refer to at large upon this subject—for I am bound to lay before the House the whole of the case respecting the affairs of both the Canadas—after passing the resolutions in 1834, to which I have already adverted, there was no one occasion on which the House of Assembly had voted the supplies which were necessary to carry on the machinery of local government. And yet the Government of this country had not been backward in its endeavours to remove all the real grievances of which the Canadians complained. At the end of the year 1834, as the House well knew, the right hon. Member for Tamworth became Prime Minister of this country. That the right hon. Baronet did not intend to adopt any harsh course with respect to the Canadian Assembly may be concluded, not only from his language in this House, but from the appointments which he had made. One of the appointments made under his government was that of Lord Amherst, who had been sent out not merely as a governor, but as commissioner to investigate and redress all grievances affecting the administration of the province. Sir, the character of Lord Amherst himself—even if the object of his appointment had not been announced in *The Gazette* which contained it—would show that at that time was appointed a person who, by his mild and conciliatory character, would remove every thing which he should find really to affect the interests or to injure the welfare of the Canadians. Sir, on the retirement of the right hon. Gentlemen opposite from office, and the resignation by Lord Amherst of the post to which he was appointed, the government of Lord Melbourne, which succeeded, proposed to send a commission to Canada for inquiry into the grievances which had been alleged, giving them great latitude, as may be seen by the instructions with which they were furnished, and appointed Lord Gosford as governor, with certain directions for his guidance. I shall take the liberty to quote one passage from the instructions which were given, because it shows the spirit in which the Government thought that the affairs of Canada should be managed, and because I think those instructions constitute an answer to some charges which had been made with respect to the Government of the colonies in general. Lord Glenelg said, in his dispatch to Lord Gosford, dated July 17, 1835.—

"It may not, however, be improper to address to your Lordship one caution of a different nature. Whatever may be the ground of the disputes which have so long prevailed between the Executive Government and the House of General Assembly of the province, it could not, with any degree of truth, or even of plausibility, be alleged that they have either originated, or have been prolonged, with a view to any interests, real or imaginary, excepting those of the people of Canada themselves. No motive could possibly be assigned as influencing British policy towards this part of his Majesty's dominions, except the advancement of the social welfare of the inhabitants, and the development of the resources of the country. In promoting these great ends, the King has found an object worthy of the noblest ambition and of the most earnest solicitude. Even if the counsels submitted to his Majesty for the government of Lower Canada were admitted to be as injudicious as they have been sometimes described to be; yet, even on that supposition, the singleness and disinterestedness of the motives by which his Majesty's confidential advisers have been actuated would be beyond dispute. What has Great Britain to gain by the misgovernment of so important a portion of the British empire? There is no single ground of national competition which could induce the metropolitan state to abuse her authority, or which should make that authority a subject of reasonable distrust to the Canadian people, if it could, with any justice, be supposed that those who are honoured with a place in his Majesty's more immediate councils could be diverted by the sordid desire of patronage from the upright discharge of duties so clear and important as those which they owe to British North America. Yet it is demonstrable that so unworthy a motive has not exercised the slightest influence on their deliberations. I do not find, for many years past, a solitary example of any place, excepting that of the governor himself and one or two of the chief officers of customs, having been conferred, in Lower Canada, on any person except the settled inhabitants of the province, or in consequence of any recommendation but that of the governor. No British Minister, during the present or the last reign, has ever used the patronage of British North America either to promote his political power or the personal advantage of himself or his connections. I need scarcely add that his Majesty is firmly resolved to enforce the observance in future of the same just and liberal policy."

It is impossible to deny the truth of the allegations of the noble Lord who is now Secretary for the Colonies. I believe it to be impossible too to deny that Lord Gosford, in undertaking the charge which he did, entertained an anxious desire to second the Government in their attempts to allay animosity, to remedy the grievances which were found to exist, and to establish harmony between the different parts of the Legislature of that province. I stated last year the various recommendations which were made by the Commissioners on the subjects which were proposed for their consideration. I am sorry to say that these recommendations were not even waited for by the Canadian Assembly. The Members of that assembly thought proper to continue in the resolution which they had adopted, of determinedly refusing the supplies. They adhered to this course during the years 1835, 1836, and 1837, except on one occasion of a vote for six months, and that was given in so objectionable a manner that it could not be sanctioned. Their resolution then has been to put an end to the machinery of Government, to stop entirely the possibility of carrying on the Government, and thus have they made it necessary for this House to interpose with respect to the important questions which are submitted to it. I stated, on a former occasion, that the course adopted by this House in proposing to appropriate part of the revenues of Lower Canada was not a measure of finance but of defence. I adhere to that statement. In a constitutional Government it is quite impossible if the supplies be refused year after year that the machinery of Government can go on. If they were refused in this country even for a single year, the most calamitous consequences would be produced. To refuse the supplies is to disorganise the army—to refuse the supplies is to shake public credit — to refuse the supplies is almost to dissolve the constitution. Well, then, what was to be done on the refusal of the supplies by a provincial Parliament. There could be in such a case but one or two courses left to adopt—either to accede to all the demands, or to take some means by which the mischief might be remedied. It was quite impossible that the courts of justice and all the other means of civil Government could be carried on; and the conjuncture must arise when a stop must be put to all legislative proceedings in consequence of the refusal of the supplies, unless one remedy or the other was applied. I stated to the House that it was impossible to adopt the former alternative. With regard to an elective council, the report of the Commissioners sent out by this country states it as their belief, without discussing the abstract question of an elective council, still less the policy or impolicy of its establishment in the North American continent—that the consequence of such a change in the Legislature of Lower Canada would be to place the Government in the hands of one of two extreme parties and that from the resistance of the other party must arise the additional danger of a civil war. I fully believe the truth of the statement of the commissioners. I am persuaded that after the dissensions which have prevailed, an elective council, representing the passions, the violence, and the desire for extraordinary changes found to exist in the assembly, would be considered by the British settlers of the province as nothing else but a declaration that their interests would not be protected, and they would be thus driven to some other means to produce a change in the constitution. Their next demand is, that the Executive Council should only be responsible to the House of Assembly. Sir, I stated that there was one place in which the power of the executive could be thus entirely controlled, and that was at the seat of the imperial Government. If the Sovereign of this country were to select those who had the confidence of the Crown but who possessed none of the confidence of the House of Commons, there must be a speedy change in the administration, and the constitution could only proceed in consequence of that change. But in a colony, if the Legislative Council are to be named according to the will of the assembly, there is another question which arises, namely, what is to become of the orders given by the imperial Government and the governer of the colony? You are here placed in the situation that your authority is completely set aside. You have a Canadian ministry responsible only to the assembly, with a power of dismissing or driving away from particular places British troops, and of admitting the ships of a power, perhaps at war with this country, into the ports of Canada. If they have not the power to make such restrictions, they must be made responsible. If they have, it then a supreme and independent governor has no place in the colonies. Not only should there be an irresponsible executive, but every judge and public officer should be appointed not according to the laws of the constitution, or the rule of the imperial monarchy of the mother country, but in accordance with the institutions and usages of a new and independent republic. Another question in these proceedings was, whether a repeal should be granted of an Act passed by this country with respect to land in Canada, under which certain rights had accrued. The Royal Commissioners said, and most justly, that it was impossible to take these away without doing an act of flagrant injustice to rights and titles granted under the sanction of an Act of Parliament. Another subject, on which we declared we had no objection to enter, was an alteration in the tenures, provided the rights, which could not be set aside without injustice, were duly maintained and preserved. As we were obliged to declare, that we could not consent to have the relations between this country and Canada disturbed in the manner which had been threatened, and as the demands of the Assembly were declared repeatedly to be the only conditions on which they would consent to carry on the ordinary business of the constitution, I say, by their own act, and without any interference of the superior power, the Government was *ipso facto* suspended by themselves. Therefore, we proposed, in that difficulty, in that extremity, when this House could not agree to the propositions of the Assembly, that some measure should be taken to remedy this extraordinary embarrassment, and that some measures should be adopted by which the judges and others holding official situations should receive what otherwise would have been voted by the Assembly, and that the governor should have the power to appropriate these sums. Sir, I do not think that we went at all beyond the necessity of the case. At the same time it was evident, that the House of Assembly of Canada must either continue to suspend the constitution altogether, or must re-consider the grounds of their complaints. They had repeatedly declared, that their misgovernment was owing to the Colonial Secretary of State, or to the Executive Government of this country, and that they relied on the wisdom of Parliament to remedy their grievances. On receiving, however, these resolutions, they did not take the peaceful part of the alternative. They did not agree to look to other methods for the redress of the grievances of which they complained. Be it remembered, that when we said we could not agree to their demands, I stated expressly myself, that if any mode of arranging the differences which existed were suggested, otherwise than by the appointment of an Elective Council, we should be ready to undertake the consideration of it, and if possible to adopt it. I proposed myself certain mitigations as to the manner of appointment in future. Instead of having persons chosen by the Governor unknown to the inhabitants (a matter which was frequently complained of,) it was determined that the Executive Council should state their opinion of the fitness of the persons intended to be appointed. When Mr. Roebuck, formerly a Member of this House, proposed that the Legislative Council should be abolished, I did not at once say, that the proposition was inadmissible, but I wished to know whether the House of Assembly agreed to that mode of remedying the grievance of which they had complained. I did not propose the remedy which was suggested. I was not disposed to think it well considered; but I felt, that the course which was to be taken should not be in the face of the repeated resolutions of the Assembly, declaring, that the Imperial Parliament could not otherwise act for their benefit than by making the Legislative Council elective. I could not, therefore, consent to a course entirely new, and at variance with that plan which had hitherto been looked upon as the sole means for accomplishing their wishes. But what was the answer of the Assembly in their meeting of August, 1837? Their answer was, that they would not suggest anything, that they would not propose anything, but if the Government of England should think proper to propose certain modifications in the Legislative Council, they would endeavour to determine what changes would enable the Government of the colony to be carried on beneficially. What was the meaning of this? By repeated evasions of the questions which had been asked them, and of the resolutions of that House, they seemed resolved to give this interpretation to their conduct, if we should introduce certain favourable changes: " We rejoice that you have got rid of the Legislative Council as an obstacle to our desires, but you have not fulfilled the whole conditions on which we rest our case, and we insist still upon an Elective Council as the only means by which future harmony can be established." Is it not obvious that such would have been the answer—is it not clear, from the spirit in which the controversy has been conducted, that no other reply would be received from the Canadians in answer to concessions volunteered by the Government. In August, 1837, therefore, the Assembly, having met, refused altogether to comply with the request of the Governor to grant the supplies, and persevered in their former demands, with the trifling admission, that there was a possibility of granting them at some future time. They were accordingly prorogued. With respect to all that has happened since the events of which I have been speaking, as there is a sufficiently succinct narration to be deduced from the papers which have been laid before the House, I do not mean to refer to them in detail, contenting myself with a reference to their most prominent features. It appears that soon after the reception of the resolutions of which I have just spoken, violent meetings were held in Canada, at which these resolutions were arraigned, the Government of the colonies held up to odium and scorn, and at which not unfrequently the example of the United States of America was held up as the one it behoved the Canadians to follow. The nature and objects of these meetings were very boldly expressed, but still it appears, by repeated despatches from Lord Gosford, that for a long time he did not consider these demonstrations of importance, and even in his later communications he has more than once said, he thinks that the system of agitation has failed in accomplishing its objects, that a better spirit is commencing to prevail, and that many who were but a little time past favourably disposed to the alleged objects of the movement party, have lately expressed themselves as better inclined to the mother-country. But after the meetings I have described above, had gone on for a considerable time, it appears, others commenced which were certainly of a more formidable character. Lord Gosford's attention having been called to their existence, and to the propositions discussed before them, he conceived it to be his duty to dismiss from the militia, certain officers who had taken part at these violent, and I will say seditious, assemblies. Upon this the people met, and after most violently impugning the conduct and motives of the Governor for the dismissal, they proceeded to elect officers for themselves; and passed resolutions, pledging themselves not to submit any case of theirs to a magistrate holding authority from her Majesty, and concluded, by declaring themselves ready to act in any manner that should be required under certain "pacificators," appointed by themselves, and the officers of the militia they themselves had just elected. It was obvious from the very selection of these officers, and from the people proceeding to obey their commands, that the intention was, to throw off all allegiance to the mother country; but unfortunately, matters did not stop here. These seditious meetings continued to be held; and, goaded on by the inflammatory declamation of the orators, the mob proceeded, in many instances, to acts of personal violence against all who refused to obey the mandates of these illegal meetings. Parties went round at night threatening with destruction all who refused to join the ranks of the disaffected; in many instances houses and property were destroyed, and the extreme vengeance of an infuriated rabble was held out to those officers of the militia who had not been dismissed by the Governor, and evinced an inclination to perform their duties with loyalty and fidelity. On the 2nd of September, Lord Gosford, in a dispatch to Lord Glenelg, says—"It is evident that the Papineau faction are not to be satisfied with any concession that does not place them in a more favourable position to carry into effect their ulterior objects, namely the separation of this country from England, and the establishment of a republican form of government. M. Papineau has gone such lengths, that he must now persevere in the course he has taken, or submit to a defeat which would annihilate all his power and influence. The plan he pursues clearly shows that he is determined to do all that he can to obtain his ends. The violent and unjustifiable attacks which have been made by the ultra Tory party upon the French Canadians generally, have caused an animosity which M. Papineau does not fail to turn to account, and I attribute much of his influence over so many Members in the Assembly to this cause. M. Papineau has emissaries in various directions; and though I do not conceive there is any ground for alarm, still great caution and vigilance are required to guard against the evils that might follow from the attempts making to excite discontent among the people by the most abominable misrepresentations. The executive requires more power, and under my present impression, I am disposed to think that you may be under the necessity of suspending the constitution. It is with feelings of deep regret I state this, but duty compels me to communicate it to you." On the 8th of September he again writes—"We can now make no terms with Mr. Papineau; you must either put him down, or submit to let him put you down; there is no halting between two opinions. By at once increasing the power of the executive, and suspending the constitution, you at once paralyse the designs of these mischievous men. It would establish confidence in the minds of those disposed to peace and good government, and at no distant period you might be solicited to restore the constitution to the province, under arrangements better calculated to afford satisfaction than could be accomplished by any effort or proposal in the present state of things; for until you nullify Papineau's power you can never be in a position to treat on anything like fair and liberal terms with a man of his extravagant, uncompromising, destructive views, exercising as he does, complete control over the minds of many who have been too long accustomed to be under his yoke." Notwithstanding the positive tenour of this dispatch, I find, that on the 9th of September, Lord Gosford wrote to say, that he did not believe the disaffection wide spread. He observes in this dispatch—" That this state of affairs seriously augments the difficulties of carrying on the government, and operates most injuriously upon the welfare and prosperity of the province, must be quite obvious. With the exception of some of the counties in the district of Montreal, I believe the mass of the population is contented and loyal, and that the attempts that are making to shake its allegiance and to create confusion will be unsuccessful." At a later period, however, there did occur a collision in the streets of Montreal between two parties, the one calling themselves the followers of Mr. Papineau, and the others adherents to the constituted authorities, under the designation of the Doric Club. This was very soon after followed by information of so alarming a tendency, that the Governor of the province conceived it to be his duty to send the Attorney General to Montreal to collect all possible information upon the subject, and to write to Sir John Colborne to ascertain what might be his means of putting down any disturbance that might arise. It appears the Attorney General very soon obtained what he conceived sufficient evidence of secret and unlawful organization; and in consequence he determined on putting on trial, for what was termed high treason, several persons of the Montreal district, and the requisite orders for their immediate arrest were issued. In pursuance of these orders, the force, known as the county police, made several efforts to take into custody the persons inculpated, but in the end were obliged to relinquish the attempt. It appears that afterwards, when Sir John Colborne, in the exercise of his duty, sent out troops to obtain possession of the guilty parties, an armed rebel force was found prepared, in the villages of St. Denis and St. Charles, to resist the Queen's troops, and then an open insurrection broke out. I imagine, Sir, that when matters came to this point, there can be no doubt on the mind of any man loyally disposed as to the object sought: no man so disposed would deny—indeed, I hope, no man so disposed would attempt to deny—that it was the duty of the governor of the province in which these acts of insubordination and rebellion took place to take every means his position afforded him to restore tranquillity and protect the well-disposed of her Majesty's subjects. Fortunately, most fortunately, the person who is intrusted with the military command of the troops in Canada, is one intimately acquainted with the country in which he has to act, and endowed with all the vigour of intellect and firmness of purpose requisite for his highly important station. Sir John Colborne immediately adopted the steps which the occasion required, and, as far as we have been able to learn, up to the present moment, the result of those measures has been the defeat of those who were in arms against the troops of her Majesty, and the restoration of tranquillity to a great portion of the disturbed district. So far, therefore—although in common with all I must lament that civil war should prevail in any part of her Majesty's dominions—I think we have all common cause of congratulation; I think, Sir, there can be but few—I think there can be but very few—to whom it can be a matter other than of congratulation that her Majesty's troops have been successful in the performance of the service they were legally and constitutionally employed upon. I do trust, Sir, that, in the course of this or any subsequent debate on this subject, we shall hear no more of those inconceivable wishes, of those guilty hopes, that the armies of her Majesty may encounter defeat, and the British name be covered with dishonour. I do trust, Sir, and I do believe, that if such a feeling exists at all—and the balance of my opinion I am bound to say is against its existence—that it is confined to a very narrow portion—I will not say of this House—but of the whole population of the empire. This, at least, is clear, that with respect to other portions of our North American colonies, with respect to Upper Canada—although a base traitor of the name of M'Kenzie has attempted to disturb that province—that in Nova Scotia and New Brunswick the feeling, I may say, the universal feeling, has been one of loyalty to the British Government, and attachment to the connection with the mother country. We have seen that not only the regular authorities of her Majesty's Government acted with the promptitude which became them, but we have also seen a large portion of the loyally disposed inhabitants of the provinces holding meetings, volunteering to take arms, and doing every other act in their power to show the depth and sincerity of their attachment to the constitutional government, and the desire for the continuance of the connexion between the provinces and the mother country; and let me say further, I was asked at the commencement of this Session, whether the Government had not received intelligence of an increased amount of desertion among the British troops employed in Canada? At the time this question was asked I was not aware as to how the fact stood, and I answered accordingly; but I am most happy in being able to state that, upon inquiry, I find desertion among the troops in Canada, so far from having been on the increase during the past year, was considerably diminished in amount. The hon. Gentleman who asked me the question may, perhaps, be surprised that, with the addition to his ordinary duties of a civil war, a winter campaign, and very severe duty, there should not be an increase of desertion; but when I tell him that my supposition, the reverse of his, is based on these very circumstances, I think his surprise will be increased. In my opinion, when a British soldier finds the question is, whether or not he shall remain at his post to maintain his allegiance to his Sovereign, and support the honour of his country, those very hardships I have enumerated would induce him to be firm, and that, bearing up against them with the heart of a Briton, he will be found to the last faithful to his Queen, and true to the interests of his country. I have now, Sir, stated what has been the course of the present Government in respect to Canada, from the commencement of our career to the present time. I have shown, I think, that we have no reason to reproach ourselves with tyranny or oppression, or even with carelessness or senseless indifference in our Government of these provinces. I come now to a question which has been argued in a very different temper—it is the question whether it is for our interest to abandon Lower Canada altogether. I say, at once, I cannot bring my mind to the conclusion that it would be so. I say at once, that the single motive of the attachment of a considerable portion of the population to the British constitution, and the situation in which they would be left if we abandoned the province to the French party, that single motive would be a sufficient reason with me for emphatically saying "No" to such a proposition. I ask the House would they be ready to desert the men who are now so nobly evincing their loyalty—would they leave them exposed to the plunder that would be inevitable on a separation—and if they would, I then ask them could they do so consistently with justice, and with the maintenance of their country's high character? But if the reasons I have mentioned were insufficient, there are other considerations which would induce the Government to oppose any project of abandonment. Supposing the St. Lawrence under the command of the United States, and a Canadian republic established at Quebec, does any one believe that the other provinces, the provinces of Nova Scotia and New Brunswick, could be kept under control? No, Sir; I am convinced if such a state of things should by any mischance come round, the question would arise, whether we should not try to regain Lower Canada, or abandon North America altogether. Is England prepared for such an alternative? I do believe that the possession of our colonies tends materially to the prosperity of this empire. On the preservation of our colonies depends the continuance of our commercial marine; and on our commercial marine mainly depends our naval power; and on our naval power mainly depends the strength and supremacy of our arms. I think, then, I may say, without arguing the question any further, that it is our policy, as well as but fairness and justice to our fellow-subjects, that we should not think of abandoning those provinces. Sir, I have thought it necessary to address the House at this great, I fear too great, length on the subject of our affairs in Canada, because I do think it is most important, that Parliament and the country should be put in possession of the whole of our proceedings, so that when the fitting time arrives the conduct of the Government in regard to the question may be fairly and fully discussed. I say, for my own part, if I thought our conduct was founded in injustice to any party, from it, I would at once retreat. I say, likewise, if I could find, that it is not the interest both of this country and of the colony itself, that Canada should continue to be a part of the British empire, I should be prepared to counsel a separation; but coming as I do to a most decided conviction on both these questions, I am quite prepared to come to the further question, namely, what is the course we should adopt to preserve the union in peace and prosperity? I conceive there can be no doubt, that the first duty of the country and of the House, if hon. Members concur in the view of the question which we take, is to propose, that sufficient means be afforded in order to put down the insurrection. I am not going to argue the question whether or no the present Government were to blame in not having at this moment a greater military force in Canada. The question which we wish to propose for the consideration of the House to-night, is whether or not the House be prepared to maintain the sovereignty of the Crown in the colonies, and not whether her Majesty's Ministers were to blame. I see opposite to me a noble Lord who is reported to have said, that Ministers should appear at the bar of the House for suffering an insurrection to break out. If that noble Lord, or any other hon. Member, thinks we are to blame, let him arraign us, and we shall be ready to meet the charge. Before, however, they do so, I shall suggest to their consideration for a moment, two points:—firstly, Whether any authority, civil or military, or any body of persons whatever, hold the opinion, that the force at present in Canada was inadequate, and ought to have been increased; and secondly, Whether, up to the present moment, the force in Lower Canada has been proved inadequate for the suppression of the disturbance. However, I repeat, I do not wish at the present moment to argue this question. I am ready to do so should any hon. Member think fit to propose a vote of censure on us; but the question to-night is, what are the means we ought to adopt, and what are the points on which we can agree in order to maintain in these provinces good order and tranquillity. With respect to force, it will be, I think, absolutely necessary, that a very sufficient force should be in the St. Lawrence in the spring, to be landed in Canada as soon as the navigation opens. For my own part, I may say, I entertain no apprehensions as to what may have hitherto been done by these insurgents, abandoned as they seem to have been by the great body of the British, and even French Canadians. From this, I say, I do not feel any apprehension whatever. But it is obvious at the same time, that, an insurrection having once broken out, a temptation is by the very circumstance presented, to many—a temptation not to be resisted—to endeavour to shake the British power in Canada. Let me be understood as not meaning to say, that any treaties or friendships with this country are likely to be forgotten on the present occasion, either by the great powers of Europe or by America. I have no intention of even insinuating the possibility of such an occurrence, and the conduct of the United States Government since the commencement of the disturbances in Canada strongly tends to convince us, that from the United States the Canadian rebels will meet with neither sympathy nor assistance. But at the same time it is impossible not to see, that both in Europe and America there are many whom the want of employment at home, and the hope of a participation in those splendid spoils so temptingly held out by the abettors of the rebellion, will induce to flock to the scene; and for this reason, even though circumstances may in the end prove that the precaution is unnecessary, I think it will be quite necessary that we should be prepared for action by the next spring, and have in the St. Lawrence ready for disembarkation a force sufficient to put down every vestige of the insurrection. Then comes the question with respect to the civil Government. It is obviously quite impossible, that we should think of convening the Assembly, or of asking them to pass laws, or do any act properly belonging to their jurisdiction. Unhappily, some of the most prominent Members of the Assembly have taken part with the insurgents, so that, as I before said, the Assembly itself may be said to have suspended their constitution. I may as well here state, that the general plan I shall have the honour to propose is embodied in a Bill which I shall to-night ask for leave to introduce. Its leading provisions I shall now briefly state. In the first place, to ask Parliament to suspend that part of the constitution of 1791 by which it is made necessary to call together the Members of the Legislative Assembly. We then propose, that the power of legislation shall be given to a Governor in Council. The Bill does not, in its present shape, propose any particular number of which that Council should consist; but it provides that not less than five members of it should be present at any deliberation, and that every subject of deliberation should be brought forward and proposed by the governor. It then proceeds to provide that all the powers of legislation which may be necessary for the government of the provinces shall be intrusted to this body, I mean the Governor in council; that they may renew, if expedient, any acts which may have expired owing to the non-convocation of the Legislative Assembly, and that they may pass such acts as the occasion may require for the Government of the province; but the Bill does not propose that either the Governor or council should have power to change the constituent body. But, Sir, while this authority may be given, there remains this further question, in what manner is the constitution again to be re-established? It is our intention, and we adopt this plan with no other view, than that permanently a free constitution should exist in Canada. For this purpose we mean not only to limit the period of the authority of the new Governor, but also the period of the authority of the laws which we give him power to enact. If there are any who think that the present occasion ought to be taken to adopt any other than a free Government in Canada, or that the English party should have a concession made to all their wishes, and that the French Canadians should be subjected to a form of Government unpalatable to them, or one from which they could not expect full justice, or the due consideration of their interests, I have only to say that to such a proposition her Majesty's Government will be no parties. We propose only to do that which we consider the interests both of the mother country and the provinces require. We do not propose to govern Canada in any other way than that which must tend to the welfare of its inhabitants. I am firmly of opinion that the difficulties which have hitherto prevented an adjustment of this question have entirely arisen from the peculiar constitution of the House of Assembly (convened, unfortunately, at the will of one ambitious demagogue), and of a Legislative Council, in the composition of which, by former governors, the interests of the provinces and the characters of the individual men were not sufficiently consulted. I think, therefore, that with respect to the principal questions on which the alleged grievances of the Canadians are based, a satisfactory adjustment may, in the course of time, be arrived at. At the present moment I doubt very much whether we have before us all the elements upon which to decide the terms of such an adjustment; but I think, nevertheless, we have sufficient to justify our expressing an opinion that a consummation so much in every sense to be desired, is not considered by us either impracticable or even difficult. I shall propose, therefore, that the Governor and his council, with the view to this final adjustment, should have recourse to the opinions of the Canadians themselves, summoning for that purpose a kind of board, to consist of twenty-six persons, of whom ten should be representatives of the assembly in Upper Canada, ten of the assembly in Lower Canada, three to be members of the Legislative Council of Lower Canada, and three members of the Legislative Council of Upper Canada. I do not, however, propose—I should not be justified in proposing—that the final settlement of this matter should be left to this body in conjunction with the Governor. The Imperial Parliament is naturally the supreme legislative authority in the British empire, and I do not think we should on this occasion—on this so important and solemn an occasion—depart from the principle so invariably advocated by every great statesman and lawyer, of leaving to it the supreme control. I, therefore, propose that the propositions which may emanate from this assembly, after having been assented and agreed to by the Governor, should be transmitted to this country, and then proposed to Parliament, with a view of making such modifications in the constitution of 1791 as may conduce to the interests of all, and eventually prove the foundation of an harmonious and, I would add, a free constitution for the people. I do not despond. I say that such a foundation may be laid; but at the same time I think it is most important that the person to be sent from this country should be one whose conduct and character should be beyond exception—a person conversant not solely with matters of administration, but with the most important affairs which are from time to time brought before the Parliament of this country. I think he should be conversant also with the affairs of the various states of Europe; and moreover, that it should be implied by his nomination that he was not at all adverse to opinions the most liberal, and that he was favourable to popular feelings and popular rights. Having said this much, I know not why I should refrain from adding that her Majesty has been pleased to intrust the conduct of this affair and these high powers to one whom her advisers think in every respect fitted for the charge—namely, the Earl of Durham; and the Earl of Durham having accepted the office, will proceed in due time to perform its important duties. I will now proceed to say a few words as to the advantages which I think are at present enjoyed by the people of Lower Canada. It is the general opinion of all persons who are conversant with the subject, that there are no people on the face of the globe who are in a condition of greater comfort and ease, or who enjoy more extensive and peculiar advantages, than the *habitans* of Lower Canada. That is their present condition, and with the general progress of improvement it is fairly to be expected that that condition will improve. In addition to the benefit which they derive from the enjoyment of laws congenial to their own habits, feelings, and prejudices, they have the benefit which they derive from the enjoyment of British laws. It is certainly true that, with all these advantages, they do not enjoy complete independence. They do not enjoy that absolute freedom of action which is altogether inconsistent with their state, if they are still to be considered as the inhabitants of a colony belonging to a mother country. But, Sir, in return for that disadvantage (if, indeed, it be a disadvantage), there are circumstances which go far to compensate them. Among the first of those circumstances is the privilege which they possess of being defended from foreign attack by the armies and by the navies of this country without charge. In the last year a sum of 220,000*l.* was voted for the naval and military defence of Canada, of which sum not above 1,200*l.* or 1,500*l.* was paid by Canadians. What would they have to pay if they were in the situation of the United States? In the last year the charge for the naval and military expenses of the American states was little less than 5,000,000*l.* Then again, with regard to taxation. The taxes in the Canadas are exceedingly light. The disposition of the revenue is also in the highest degree favourable to the interests of the people. The largest annual sum that has been voted in Lower Canada (I speak in round numbers) was 157,000*l.* Of that sum 57,000*l.* was appropriated to the expenses of the civil government; 70,000*l.* to the expenses of roads, enclosures, and other internal improvements; and 25,000*l.* to the purposes of education. Now, I ask whether, if we were in this condition, if all we had to pay was the expenses of the civil government, the expenses of internal improvements, and the expenses of public education, it would not be thought that we were in a very enviable situation? But, Sir, if the people of Canada have no great reason to complain of the laws under which they live—if they have no great reason to complain of the taxes which are imposed upon them—if they have no great reason to complain of the disposition of their revenue—still less reason have they to complain on the subject of trade. With respect to trade, it has always been admitted, that an Imperial Legislature has a right to compel a colony to receive the produce of the mother country, and a right to restrict that colony in its commerce with other nations. But, if Canada were separated from Great Britain—if Great Britain and Canada were two independent nations, could the trade of Canada by possibility be in a state so beneficial to that colony as at present? If, then, the situation of the people of Canada be so happy with respect to their internal condition, to their laws, to their finances, and to their trade, I think I have a perfect right to come to this House and to ask it to agree to the proposition which I am about to make. The Address which I mean to propose, after "thanking her Majesty for her gracious communication of papers relating to the affairs of Canada," and "assuring her Majesty that the anxious consideration of this House shall be given to the preparation of such measures as the present exigency may require," proceeds "to express to her Majesty our deep concern that a disaffected party in Canada should have had recourse to open violence and rebellion, with a view to throw off their allegiance to the Crown. To declare to her Majesty our satisfaction that their designs have been opposed, no less by her Majesty's loyal subjects in North America than by her Majesty's forces, and to assure her Majesty, that while this House is ever ready to afford relief to real grievances, we are fully determined to support the efforts of her Majesty for the suppression of revolts and the restoration of tranquillity." Sir, I think I have laid quite sufficient grounds to induce this House to consent to repose this confidence in her Majesty and her Majesty's Government, who are, with me, not prepared to give immediate independence to the British provinces in North America. Although, I repeat, that I am not prepared to give immediate independence, this I will say, that if the time were come at which such an important change might be safely and advantageously made, I should, by no means, be indisposed to give the 1,400,000 of our present fellow-subjects who are living in the provinces of North America a participation in the perfect freedom enjoyed by the mother country. If it were a fit time, if circumstances of all kinds were such as to render such an arrangement desirable, I think that our colonies might with propriety be severed from us, and formed into a separate and distinct state, in alliance, offensive and defensive, with this country. ["*Hear, hear!*"] The hon. Member for Kilkenny and the hon. Member for Bridport cheer this sentiment. Of this I am sure, that if things had arrived at the state which I have described, if the time for such a separation had arrived, (which I utterly deny) we should then have as allies men influenced by the most amiable and affectionate feelings towards the mother country; not men who would wish to see the British arms defeated, or who would entertain the aspiration that the power of Great Britain might sink into insignificance and contempt. On the contrary, I am convinced that we should find in them men who would cheer on the efforts of this great empire, who would reverence our character, and share our triumphs. Until such a time, however, shall arrive, until separation shall be the mutual interest of the British colonies and the British empire, we will not consent that these provinces shall lose British protection, in addition to the privileges which they enjoy in common with their fellow-subjects. If the time be not come for the separation to which I allude, at least let us not consent to the separation of a small portion of persons who have carried their ambitious designs into effect by breaking into open rebellion in Lower Canada. If you consent to such a proposition, you will indeed create a civil war, you will excite plunder and pillage, you will give the signal for a long and sanguinary interruption of public tranquillity; and if the individuals to whom I have alluded fancy that they can establish a free, a happy, and an orderly republic, in that expectation they will most signally fail. Sir, such are the reasons and such are the grounds on which I ask this House to assent to the Address which I am about to propose. I feel confident that the House and the country will do her Majesty's Government the justice to believe, that they entertain no wish to avail themselves of the means which, they trust, will be placed at their disposal for purposes of severity, still less of vengeance, with reference to the misguided people who have been induced to take a part in this insurrection. I am sure that no one can be more anxious than the noble Lord, the present Governor of Canada, and I am sure that no one will be more anxious than the noble Lord who will succeed him, to make the present warfare as little attended by circumstances of a painful and sanguinary nature as possible. I feel confident that they will consider clemency the best road to reconciliation; for I also feel confident that the defection of the greater portion of those who have been led into rebellion in Lower Canada may be justly attributed to ignorance. The few really guilty, the designing men who have exasperated others, and induced them rashly to appeal to arms, will hereafter be held in detestation by their own countrymen. Confident as to the issue of this contest, I feel it my duty to call upon the House to uphold those who have been faithful to their Sovereign, to their country, to their oaths, and to the integrity of the empire. The noble Lord concluded by moving the following Address:—

"That an humble Address be presented to her Majesty, to thank her Majesty for her gracious communication of papers relating to the affairs of Canada.

"To assure her Majesty that the anxious consideration of this House shall be given to the preparation of such measures as the present exigency may require.

"To express to her Majesty our deep concern that a disaffected party in Canada should have had recourse to open violence and rebellion, with a view to throw off their allegiance to the Crown.

"To declare to her Majesty our satisfaction that their designs have been opposed no less by her Majesty's loyal subjects in North America than by her Majesty's forces; and to assure her Majesty that while this House is ever ready to afford relief to real grievances, we are fully determined to support the efforts of her Majesty for the suppression of revolt and the restoration of tranquillity."

Mr. *Hume* was very unwilling to trespass upon the House, but was nevertheless desirous to state shortly the view he took of the question under consideration. There was one observation made by the noble Lord which had given him great satisfaction. The noble Lord had stated that he was sure the House and the country would be anxious to have all the facts relative to the occurrences in Canada fairly and fully before them. Now, it was, because he knew that the House and the country had not all the facts relative to the occurrences in Canada fairly and fully before them, that he could not agree to the proposed address, and still less to the proposition for suspending the constitution of Lower Canada. He knew very well that the noble Lord had a great advantage over him in calling the attention of the House to the subject, without having previously given the smallest intimation of what it was his intention to propose. The noble Lord had carefully concealed his plans from every body; and now, after a long statement of the past history of Canada, he came forth with a proposition to suspend the constitution of Lower Canada. He would take upon himself to say, that the noble Lord had not dealt fairly with the House in stating that they were in full possession of the facts which had led to the present condition of things in Lower Canada, and which ought to induce them to adopt the extraordinary and unconstitutional course which the noble Lord now proposed. He agreed with the noble Lord in one statement, that it was the intention of Parliament in 1791 (and he would not enter at all into the noble Lord's previous statements) to give to the people of Canada all the advantages of a representative body, similar in every respect to the House of Commons in the mother country. If, however, the noble Lord read the speeches of Mr. Fox and the other hon. Members of that period correctly, he would find that the Legislative Council was an experiment to try if a body could be established similar to the House of Lords. That experiment had been made, and it had entirely failed. That circumstance the noble Lord had, however, passed over, and had gone on to describe the violent meetings, and proceedings that had taken place in Lower Canada. But the House of Assembly was not in fault. The fault was attributable to the Governor and the Legislative and Executive Councils, which were never found to be in accordance with the Legislative Assembly. In 1828 it had been distinctly declared by the Colonial Secretary that the measures, then in contemplation had for their object the bringing of these different bodies into a state of accordance. Now, as the great majority of the Legislative Assembly was composed of French Canadians, if a disposition existed at the period he had alluded to to bring the different bodies into a state of accordance, that could only have been accomplished by giving the same party a majority in the Legislative and Executive Councils. Was it possible that any rational person could suppose that the Government of so distant a colony could be satisfactorily carried on by two parties so differing in opinion from one another? The thing was impossible; and there was no doubt, therefore, that the intention in 1828 was, that the people of Lower Canada, being fairly represented in the House of Assembly, the Legislative Council and the Executive Council should contain so many persons who had a stake and interest in the country, that it was probable the opinions of those councils would coincide with the opinions of the House of Assembly. That intention, however, was not carried into effect. On the contrary, such a selection of persons was made for the councils as was not at all calculated for that purpose. This the noble Lord must admit. If he did, ought he not to pause before he came to that House to propose the destruction of the representative body? He thought that the noble Lord was wrong in blaming the conduct of the House of Assembly. The noble Lord ought to have looked at the proceedings during the Government of Lord Dalhousie. He wished the noble Lord had told the House what, in his view of the question, had been the powers vested in the House of Assembly; and had then proceeded to show in what respect they had exceeded their authority, and what charge existed against them of a nature so serious as to demand their destruction. Could any thing be more legitimate than that they should employ themselves in examining item by item the articles of the civil list? From the year 1820, when Lord Dalhousie was Governor, the right possessed by the House of Assembly to exercise this scrutiny had been acknowledged. If this were supposed by the noble Lord an offence, the noble Lord would entirely fail in proving it to be one. Whoever knew any thing of the privileges of the House of Commons would acknowledge that one of the most valuable of those privileges was that of investigating the civil list. Instead, therefore, of being a charge against the Legislative Assembly of Lower Canada, their exercise of this privilege ought to redound to their praise. It was the Legislative Council which had thrown impediments in the way of beneficially governing the country. The noble Lord referred to the instructions which had been given by Sir George Murray, when he was Secretary of State for the Colonies, and said that those instructions were liberal in their character. He admitted it. But had those instructions been acted upon? He could state, on the authority of those who, being on the spot, were perfectly competent witnesses, that they had never been acted upon. He by no means blamed Sir George Murray, whose intentions, he believed, and had always said he believed, were good. But he had also said, and he still said, that it was impossible satisfactorily to govern any colony at a distance from the mother country, if the persons in authority in that colony had no feeling in common with the people of the colony. Up to the present moment the persons in authority in Lower Canada were aliens in that colony. That was proved by the petition to the House of Commons in 1828, signed by 87,000 inhabitants of Lower Canada, nineteen-twentieths of whom were landed proprietors, forming an overwhelming majority of the population. In the Legislative Council of Lower Canada there was only one person interested in the soil. The other members of that council were either official persons, or people from England, who had no interest in the soil. Was it possible that Sir George Murray or any other Colonial Minister should be able satisfactorily to administer such a government as that of Lower Canada under such circumstances? Out of 340 civil offices, only forty were Canadians; the rest were persons such as he had just described. There was the origin of all the evils which had occurred. Could any thing be more extraordinary than that, at a time when they were anxious to be relieved from all the expenses of the colonies, they should refuse to listen to the proposition of the Legislative Assembly of Lower Canada to relieve them from those expenses on the condition of having the management and disposal of the revenue? By such an arrangement both the Government at home and the colonial government would acquire greater strength. The present system of lavish and extravagant expenditure was maintained only for purposes of abuse and corruption. He had frequently stated, that the people of England were taxed, not for the benefit of the colonies (who did not want it), but for the benefit of a few individuals. That was the cause of the prevalent system of abuse and misrule. Was it fitting that the House of Assembly should be blamed for endeavouring to perform one of their most important functions, that of examining any branch of the public expenditure, item by item? The two statements made by the noble Lord were inconsistent with the facts, which could be abundantly proved by documents and correspondence. He might go on and advert to other circumstances—to the pension list and other matters. Nearly ten years ago he had said that Sir James Kempt was the only Governor of the colony he had ever heard of against whom no complaint had ever been sent home. He would take upon himsel to say, that if all Governors of Canada had acted on Sir James Kempt's principles, the present posture of affairs would never have existed. It was incorrect to say, that the Legislative Assembly of Lower Canada had refused to pass the Act of supply. They had only refused to do so without attaching to it certain conditions, indicating the impropriety of allowing any individual to hold several offices, and the expediency of confining one individual to one office. Adverting to Lord Gosford's letter of February, 1837, respecting the arrears which for three years the Legislative Assembly had refused to pay up, he (Mr. Hume) observed, that the noble Lord went out after the Governments of Lord Amherst and Lord Aylmer for the purpose of conciliation, but that the most important object of his mission remained concealed until disclosed by Sir F. Head. The Canadian people said, and said naturally to the Governor:—

> "It is right we should tell you, and through you, the British Parliament and the British Government, that until you redress our grievances, which are of so important and so grievous a nature, we will not pay up the arrears; but in order to show you how sincerely desirous we are that the machinery of Government should go on, we will, notwithstanding the severity of the measures which you now adopt towards us, vote the supplies for the current year, so that you may have sufficient time to write home to the Colonial-office, and to ascertain whether in that quarter there is any disposition to accede to those claims which we deem just and reasonable."

Such was the language held by the House

of Assembly, and they acted not only upon the spirit but up to the very letter of it. They took the estimates of 1833 as the groundwork upon which to frame those for the current year. The House would hardly believe that a Minister of the Crown should now rise in his place in that House, and state, that from the year 1832 the House of Assembly had uniformly and obstinately persisted in refusing the supplies, when he (Mr. Hume) held in his hand a letter from Lord Gosford, in which that nobleman said, "the House of Assembly has entered item by item into the account for the supplies." The House of Assembly had, in fact, not only entered into the account item by item, but had actually voted the salaries of all the chief officers of the Government. It was true that they had attached certain conditions to their votes; but those conditions were only just and reasonable—conditions not only proper in themselves, but in many instances absolutely necessary to the proper discharge of the duties of the situations filled by the different officers. Did the noble Lord mean to say, that the House of Assembly, when it voted money, had not the power to affix conditions upon which that money should be paid? Public opinion in England had declared against plurality of offices. Was it not fit and proper, therefore, for the Canadian House of Assembly to say that it would vote certain salaries to certain officers only upon condition of their abandoning places which were wholly inconsistent with their official situations? Was there anything unjust, unreasonable, or improper in their declaring that the auditor of the land-tax, the clerk and registrar, the clerk of the Legislative Council, and the master in Chancery, should severally be paid the salaries attached to those offices, only upon condition of their ceasing to be members of the Legislative Council? Was there anything inconsistent in the House of Assembly declaring that men holding subservient situations, as clerks in different offices, should not continue to be Members of a body which in the colonial legislature was ranked in the same place as the House of Lords in Great Britain? He for one thought that the House of Assembly, instead of being subjected to blame, were deserving of every praise for the step they had taken towards the suppression of an abuse which was no longer tolerated at home. He would mention only one or two other instances, just to show the nature of the conditions made by the House of Assembly, and for which the Legislative Council afterwards threw out the bill of supply. For it must always be remembered, that it was not the House of Assembly which refused, but the Legislative Council which rejected, the supply necessary to carry on the official duties of the government. The salary of the Speaker of the House of Assembly was voted with this proviso, "that he shall not at the same time receive an equal or a higher sum from any other situation under the government." Had they not previously set the example in England, and laid down the rule, that an officer who received a large salary for one office should not, at the same time, be allowed to receive a salary fr m any other office? Was it just, then, to blame the House of Assembly in Canada for doing the very same thing which they (the House of Commons of England) took credit for doing themselves? The salaries of the officers of the Crown and of the Court of Chancery were also voted subject to this reasonable condition, "that they should not continue to be Members of the Executive or Legislative Councils." A great deal had been said about the salaries of the judges being left unpaid. That was a falsehood throughout: the salaries of the judges had been voted. The noble Lord was, therefore, quite wrong in laying that charge at the door of the House of Assembly. Lord Gosford, in his despatch of March, 1836, distinctly stated that the House of Assembly would pay the salaries of the judges, provided they did not hold other offices. Was that an unreasonable condition? Was it fit that the judges should hold other offices? Was it permitted that the judges in England should hold a plurality of offices? If it were not permitted in England, was it right that the noble Lord, in making out a case against Canada, should say that the judges were left unpaid and that justice could not be administered, when the only bar to their payment was the fact of their holding a multiplicity of situations, utterly at variance with their office of judges. Such an allegation on the part of the noble Lord was nothing more than an excuse on the part of the noble Lord to induce the House to go along with him in an unjust measure; a measure founded upon statements and assertions which the documents in the noble Lord's own hands would not bear out. The salary of the chief justice had been voted without any condition at all; and the salaries of the puisne judges had also been voted subject only to the condition that they should not hold other offices under the government at the same time. The salary of the Judge of the Court of Vice Admiralty had also been voted, subject to the same condition. It was neither just nor fair in the noble Lord, therefore, to state that the salaries of the judges had been refused, and that justice could not be administered. Was the House of Assembly to blame if it attached such conditions to their votes, when they found gentlemen holding situations, as the Judge of the Court of Vice Admiraly did, wholly inconsistent with their offices, and receiving fees wholly unsanctioned by the laws? He took all these facts from Lord Gosford's dispatches, which had been published by order of the Government; and when he mentioned that circumstance he thought he had stated enough to show that the noble Lord was not warranted in his assertion that the House of Assembly had refused to vote the supplies. Lord Gosford distinctly stated, that the bill of supply was introduced into the House of Assembly on the 25th of February or March, and was sent up to the other House with very little delay, and subject only to the conditions which he (Mr. Hume) had adverted to relative to plurality of offices. Lord Gosford added that the House of Assembly had taken that means of putting down the calumny that they had refused to vote the supplies; and he observed further, that he had no hesitation in saying such was the feeling—such the disposition—of the House of Assembly, that but for the untoward publication of the instructions of Sir Francis Head, the House of Assembly, that which was now so severely blamed, would have voted the whole of the supplies for the year. Was it not wonderful, then, that the noble Lord, with such evidence in his hands, should have the hardihood to come forward as a Minister of the Crown, and declare that the House of Assembly had obstinately refused to vote any supply? The fact, as he had already stated, was, that the House of Assembly proposed the measure of supply, and sent it up to the Legislative Council, where it was read a second time, but afterwards dropped. Hence the want of supply. Who was to blame? Not the House of Assembly but the Legislative Council. He had thus shown, from the correspondence of Lord Gosford, first, that the noble Lord was not supported in his statement; and, secondly, that the noble Lord was erroneous in the conclusions he had drawn. Then the noble Lord alluded to the report of 1828, and to certain resolutions which were agreed to by the House of Assembly. The noble Lord said, that the Assembly was most ungrateful; what was the fact? He held in his hand a series of resolutions in which the House of Assembly expressed great thanks for the inquiry which had taken place. But what was the result of the inquiry for which, according to the noble Lord, the House of Assembly ought to be so extremely grateful? Were any of the recommendations of the report carried out? The House of Assembly was the best judge of that. The House of Assembly declared that not one of them had been carried out. They were great fools, therefore, for thanking the Home Government for benefits which seemed to be promised, but which, in fact, were never granted. If the recommendations contained in the report of 1828 had been fairly and honestly carried into effect, there would have been nothing of the unpleasant distractions which had existed almost from that time to the present hour. There would certainly have been nothing of that armed resistance which unhappily had of late been offered to the constituted authorities. He maintained, therefore, that the noble Lord when he quoted the report of 1828 quoted it against himself; or at all events quoted it only to be told that none of the recommendations which it contained had been carried into effect. There might have been a few petty and insignificant attempts at Reform; but all the principal grievances of the Canadians remained unredressed. The noble Lord then alluded to the minute of Lord Aberdeen. He wished that the noble Lord had acted more in the spirit of that nobleman. He thought that the intentions of Lord Aberdeen were good, and had that nobleman remained in office up to the present time, he had no doubt, from the great attention which he paid to the facts brought before him, and from the manner in which he drew his conclusions, that there would have been none of the rebellion, none of the disturbances, which they were now compelled to regret. He was bound to say so; taking it for granted that Lord Aberdeen would have acted upon the reasoning adopted by him during the short time he was at the head of the Colonial-office, and which, if carried into effect, would certainly have done much good. The noble Lord then referred to five different charges or complaints which he alleged had been made. These included the independence of the press, the Jesuits' property, the Church and Crown revenues and the constitution of the Legislative Council. He was certainly surprised to hear the noble Lord assert that the Canadians had no reason to complain of the constitution of the Legislative Council. The Canadians complained that that body, as at present constituted, was subject to no responsibility; and that as long as it was continued in its present shape they could have no power over their revenues, over their laws, or, in fact, over anything that concerned their welfare; because, whatever their own efforts might be in the House of Assembly, the Legislative Council had always the power without any kind of responsibility, to step in and mar all. The noble Lord passed over a period of ten years in a couple of paragraphs, with scarcely an allusion. He said that responsibility was recommended in the report of 1828, and that the Canadians were very unthankful in not having expressed their acknowledgments for the recommendation. But what had been done? Had the recommendation been carried into effect? No. Nothing had been done—nothing at least that could confer a substantial benefit upon the colony. Did the noble Lord believe that the alteration which he had made in the Legislative Council gave the least satisfaction to the people of Canada? Did he not know that public meetings had been held in which the new regulations introduced by the noble Lord were complained of as making the Legislative Council worse than it was before? Did not the noble Lord know that the Canadians would rather have that body composed of men fresh from England, not at all connected with the colony, than of men who were renegades from their former opinions, and in every way obnoxious to the great majority of the Canadian public. But when was the alteration made which was to give so much satisfaction to the people of Canada, and which according to the noble Lord, they were so ungrateful in not having acknowledged? Why (the House would hardly believe it), this boasted alteration was not made until the latter end of October last, ten years after the period at which an alteration in the constitution in the Legislative Council was originally recommended. The Council, which ought to have been reformed in 1828, was not reformed until 1837, when ten members were added to it, leaving it just as highly objectionable, and as little calculated to satisfy the people upon the score of responsibility, as it had ever been. He maintained that all the noble Lord's statements with respect to that body were entirely fallacious. The noble Lord then went on to say that from the year 1830 none of the measures of conciliation held out by the Government and Legislature of the mother country had been fairly met by the House of Assembly. What measures of conciliation had been held out? What real measures of conciliation had ever been held out without being successful? No, it was not until they were driven by the measure of last year—a measure which went at once to the destruction of their constitution, and of all their just rights, that the people of Canada assumed a tone of defiance towards the mother country. He denied that there had been any manifestation of a desire to conciliate on the part of the parent state. Was there anything of conciliation in the resolutions of last year? He had never heard of anything so reckless of all principle as those resolutions. They were immediately protested against by the whole of the Canadian people—public meetings were held in every district to condemn them; yet nothing was done by the home Government to remedy the fault it had committed. Up to a very late period assurances were received from Lord Gosford that there was nothing to excite any serious alarm in the state of the colony, although he, at the same time, expressed a doubt whether the spirit of dissatisfaction which had exhibited itself could be put down without a suspension of the constitution. The argument urged to-night by the noble Lord was, that a portion only of the people of the province were dissatisfied—merely a few demagogues who had practised upon the ignorance and credulity of a small portion of the people. If that were really the case, if the evil extended no further than that, what pretence was there for punishing the whole of the province? If a few had offended, why were all to be deprived of the benefit of their constitution? It was not yet known whether Papineau had ever joined the insurgents, or whether he were in any way privy to the revolt. He believed that the armed resistance to the Queen's troops was not premeditated, but arose out of the heat of the moment. In consequence of instructions received from Lord Glenelg, Lord Gosford struck out of the list of magistrates every man of liberal opinions, and substituted none but Orangemen and

Tories in their places. Having thus obtained a subservient or congenial magistracy, Lord Gosford proceeded to arrest twenty-eight individuals in one day. It was this that startled the whole Canadian people, and excited that strong feeling which led to the opposition of the troops. Nobody knew on what authority or on what evidence these arrests were made. Everything was done with the utmost silence and secrecy. The people became alarmed; and this led to the rescue, which, as he before said, he believed to be wholly unpremeditated. Did the noble Lord mean to say that the House of Assembly knew anything or had anything to do with the rescue? Did the noble Lord mean to say, that anything but an attempt to interfere with the administration of justice in a degree so flagrant as that adopted by Lord Gosford would have led to the rescue which had since given rise to such unhappy consequences? Had the same conduct been pursued in Ireland, would not the consequences have been the same? If every liberal magistrate had been struck off the list in Ireland, and the Commission of the Peace filled up only by Orangemen and Tories—men entirely hostile to the feelings of the great mass of the people—would not the same resistance to the law have been offered at all events? When Ministers had allowed the expression of discontent to arise to so great a height in Canada, and especially after the admission of Lord Glenelg, that complaints from the colony had been increasing ever since 1828, he thought the measures now proposed to be adopted were too severe. To deprive the whole province of its liberties because a few had offended, gave to the proceedings of the Government an appearance of vengeance rather than of justice. He thought that the best course would be to send out an individual like Lord Durham, to whom he saw no sort of objection, armed with ample powers to do whatever he should deem necessary to preserve the tranquillity of the province, but not accompanied with the disgraceful act which was to suspend the liberties of the whole of the people. If he were to advise any course it would be that Government should declare a general amnesty. Let Lord Durham go out and declare an amnesty. Let him go out with full powers so to act, and then it would appear that revenge was not their object, but justice. But, at present, what had the Canadians to expect? What, after the Government had suspended their charter, had they to look for? Would they not look at every act of England with suspicion and jealousy? Would they not feel a want of confidence in all that the Government proposed? If, then, the noble Lord wished to prevent the shedding of blood, let him pass an act of amnesty, and send out Lord Durham to declare it. Did not Sir Charles Grey tell them, after a residence of twelve months in Canada, that it was essential to interfere with the Legislative Assembly? It was admitted that a spirit of opposition had been excited that required an appeal to force; but he, for one, hated and detested war, above all, civil war. Civil war was the most to be abhorred, and to avoid such a calamity, he thought the Government ought not to stand upon any punctilios. But what was proposed? It was proposed to send out Lord Durham. Could Lord Durham do anything unless he got power? No. What did the noble Lord propose to do? He did not propose to give Lord Durham any such powers as would enable him to accomplish the only object it was necessary he should effect. This being so, Lord Durham would go out to Canada under such circumstances as would cover him with the like disgrace that had visited Lord Gosford. It was not Lower Canada alone that demanded redress. The other North American colonies were equally anxious to obtain justice from this country. If, then, the noble Lord were not disposed to make a permanent settlement with these colonies upon a constitutional basis, did he mean to keep them down by mere physical force? Would the people of England submit to the expense of such a policy? The noble Lord had said, that the feelings of the people were generally with him. He differed from the noble Lord in that respect. He believed that the people were anxious to put an end to bloodshed, and to effect a conciliation. This the noble Lord might succeed in accomplishing by passing an act of amnesty in favour of those who had been placed in their present predicament by the extraordinary and unaccountable proceedings of the colonial government. If the noble Lord would do that, he (Mr. Hume) was perfectly satisfied he might make amends for much that he had done. It was not the man who shed blood, but the man who stimulated him to shed it, who was the more guilty party. He would repeat, that it was the resolutions of the noble Lord that had stimulated the people of Lower Canada to revolt and bloodshed. It was unjust conduct of the House of Commons, and the violation of the rights of the whole province of Canada that led to the bloodshed that had taken place. He was sorry to have been obliged to state his opinions at the length at which he had done, but he had felt it a duty both to himself and to the cause which he advocated, to advance the opinions he had declared, and he should sit down by expressing his deep regret at the course which the noble Lord had proposed to the House.

Lord *Eliot* observed, that the hon. Member for Kilkenny had attacked the noble Lord opposite pretty severely. In offering a few observations in reply to that hon. Member, however, he would not follow the example of the noble Lord by going through the history of the Canadas from the earliest period of their connexion with this country. He would merely ask if there had not been two great boons granted to that colony, and if the first of these was not the act of 1791, by which the House of Assembly was conceded; for he found in that act an oath to be taken by each Member of that Assembly, to the effect, that he would be faithful and true in his allegiance to his Majesty the Sovereign of Great Britain, that those provinces of the Canadas were dependent upon that kingdom, that he would do everything in his power against any traitorous conspiracy or any attempt that might be made against the Crown or its dignity, that he would do his utmost endeavour to discover and make known to his Majesty all such treasonable attempts; and that he swore this without any equivocation or mental reservation? Having said so much regarding the act of 1791, he would leave to the hon. Member for Kilkenny the task of accounting for the conduct of those persons whose cause he had that evening advocated. The next great concession made to Canada was in 1831, when the whole of the Crown possessions—the territorial and casual revenues—were given over to the House of Assembly, on condition of their paying the expenses of the Executive Government of the colony. Did they respond to that act of generosity? Did they keep the condition which they had entered into? On the contrary, they had no sooner received it than they refused to provide for the Judges appointed by the Crown, and for the Executive generally, notwithstanding it formed an express portion of the declaration on their parts that they should do so. The hon. Member for Kilkenny had followed the example of the noble Lord, and entered into an historical detail to prove the existence of grievances in the province; but the hon. Gentleman, in his anxiety to make out a case for the Canadians, had forgotten to state the important fact that all those grievances were now removed. He did not for a moment mean to say, that no grievances ever existed in that colony; on the contrary, he freely admitted that many had, but he was borne out by the facts in repeating that those which formed the groundwork of the present rebellion, and the present complaint, had been long removed altogether. First, with regard to the Legislative Council. The noble Lord opposite had removed some of the main objections to that body. But there were others equally weighty, which were equally easily removed also. There was no primogeniture and entailed property in Canada, therefore there could be no succession of hereditary dignity; and if a new Legislative Council were now to be framed for that province it should be formed of precisely the same materials as the present one. The greatest of the alleged grievances was that which was termed the Canada Clearing Act. Now, what was the object of that Act? The improvement of property in the colony. And it was an act of extreme conciliation on the part of the Government to give the inhabitants an opportunity of improving their properties gradually by its means. All these grievances had, however, been removed; and he (Lord Eliot) was quite sure that in regard to any others which remained, the House of Commons was not at all indisposed to entertain and redress them. It was a thing deeply to be regretted that civil war should now rage in the colony—and no one more deprecated the consequences than he did; but those who "drew the sword, and threw away the scabbard," should abide the issue of their own deeds; and he much feared that nothing now remained but to put the country under military power. He should, therefore, support the proposition of the noble Lord. But, though he should support it, he could not help feeling some degree of surprise that no explanation of the conduct hitherto pursued by his Majesty's Government in respect to the question before the House had been offered by the noble Lord—that no satisfaction had been given to the people of this country on the subject—that no reason was shown why such a valuable province had been placed in such a state of jeopardy. A precedent for the course to be pursued on such a momentous occasion would be found in the proceedings of Parliament at the period of the American war. In those days, it being believed that the Government then in power had not acted with a sufficient degree of firmness, a Committee of the House of Commons was appointed to inquire into the facts of the case, and they were empowered, in pursuance of it, to send for all that was necessary to come to a right decision — persons, papers, &c. In his opinion some such course was most advisable now; for he defied any one to read the correspondence placed by her Majesty's Government in the hands of Members of that House, and then come to the conclusion that everything necessary had been done by them, and that sufficient means had been taken to meet the emergency which it was clear they saw coming. And he felt bound to add that no noble Lord or any other individual should be placed over a province of the importance of Canada who could not make out a better case for himself than that which was established by that correspondence.

Sir *J. Carnac*, without affirming that the Canadian constitution was perfect, or that there was no grievance in the country to redress, was justified by the history of the colony in saying, that the conduct of the British Government towards it had always been marked by extreme liberality. In the first place, on the accession of the country to the British Crown, it was believed that the English laws would be more acceptable to the people than those which they had until then lived under, and they were accordingly given. But when, on trial, it was found that they would not afford the satisfaction anticipated, they were at once withdrawn, with the exception of those portions which the people desired generally to retain. At the same period a representative government was granted to them, because they required it, notwithstanding that the American independence had been effected in their neighbourhood, and the French revolution was raging in Europe. On all occasions had the conduct of the British Government towards the Canadians been marked by the desire to raise them in the social and political scale to a complete level with the people of this country. But the House of Assembly were not, it seemed, satisfied. Not content with protecting their own rights and privileges, and carrying them out to the fullest extent, they trenched on those of the other branches of the local Legislature. Every concession possible to be made had been made them. The people of Canada were the most lightly taxed of any in the world. The population had increased tenfold in almost as many years—they lived in peace—they enjoyed peace—and yet they were in a state of rebellion. The question was, should Canada longer remain a constituent portion of the British empire, contributing to its greatness and prosperity, participating in its grandeur and glory, or should it be arrested in its career of growing happiness to gratify the views of designing patriots or liberal theorists? The opposition party in Canada had long contemplated a separation from this country. On a late occasion the sanction of Parliament had been asked to a meeting of delegates, for the purpose of settling the alleged grievances of the colony; but it was very properly refused, as it would decidedly lead to its total loss. The same party who made that proposition, also required the Legislative Council to be made elective. That would be a greater stretch of privilege than even the people of England themselves enjoyed. They also demanded such a modification of the existing law as would lead to the complete suppression of emigration. Would the people of England permit that? And another demand made by them was a repeal of the Tenures Act, a circumstance which would entirely destroy the moral influence of England. The object to be had in view at present was, to uphold the dignity, the honour, and the well-being of the British Crown and the British nation. Canada was undoubtedly entitled to be well governed; but the former consideration should be the first. That colony never should be separated from England. Separation would be the greatest misfortune that could befal it, and, therefore, in justice to Canada as well as to ourselves, such a result should be prevented. A vast mass of British capital was vested in the improvement of that colony — was not England bound to protect those who had vested it under the faith of Acts of Parliament? Should the property of those individuals be left to the mercy of an excited multitude, misled by trading sophists and philosophical *soi-disant* Liberals? He should be as unwilling to support any unnecessary interference of the Queen's Government with the liberties of the people of Canada, or any other colony, as any other hon. Member in that House; but when they appealed to Parliament to put down rebellion—to uphold the Queen's sovereignty—and to support her authority, he could have no hesitation in acquiescing with them. He should hope, however, that, by this time, better feelings had returned—that the people of Canada had become convinced of their folly, and that things had returned to their ordinary course. If not, it was the duty of her Majesty's Government to exercise generosity to the vanquished. There should be no repetition of those scenes which followed the Irish rebellion of 1798; even the recital of which made the blood run cold—scenes so disgraceful to England that they would for ever cast a dark shade on her annals. Vengeance should not be allowed to usurp the place of justice. The course the noble Lord would find it necessary hereafter to pursue would, however, be more doubtful. It would be extremely dangerous to leave any acknowledged grievance unredressed. The constitution of the Legislative Council was avowedly one of the greatest causes of the bitterness of feeling which prevailed in Canada; and so long as it remained in its present state, it would continue to be a great grievance. It had never been a source of strength to the Government, or of benefit to the people. It had not the sympathy of any portion of public opinion as a similar institution at home had. It was at variance with the interests of the population of all classes, and a screen for the grossest abuses of the Executive. It would, therefore, be a matter of deep moment for the Government here to consider whether it might not be abolished altogether with advantage to all parties. It would then be necessary to provide a check on the acts of the House of Assembly, and he thought that such check could not be provided for them by giving the Governor of the province or colony, as the case may be, a *veto* on the acts of that body. If any differences of a serious nature arose, they could be referred to this country for decision, inasmuch as they would be heard patiently, and argued dispassionately, without local prejudice or party feeling. That was his view of the matter.

Mr. *Grote* said, that he was convinced that no measure which did not remedy the complaints made against the Legislative Council would suffice to produce the desired tranquillity in Canada. Till he came into the House, he was entirely ignorant of the intention of the noble Lord, the Member for Stroud, as to the course which he meant to pursue; he knew not whether the noble Lord meant to move an address to the Crown, or for leave to bring in a bill; and he (Mr. Grote) did think, that the House had some little ground of complaint that it had been called upon to deliberate upon the present address without having received any notice of what they were to be called upon to assent to. He confessed, also, that the address, as now proposed, did not meet with his idea of the sentiments which ought to emanate from that House; for although he acquiesced in and entirely went along with the noble Lord in the conviction which he entertained of the necessity of restoring tranquillity, yet he thought that it was not right to express that conviction without, at the same time, stating a conviction, which was equally strong in his mind, that full redress should be given to all grievances, and ample provision should be made for future good government. He could not, however, acquiesce in the address which the noble Lord had proposed, nor could he concur in the argument which had been adduced in support of it; for if the noble Lord's argument were good for anything, it gave conclusive proof of the wisdom of an early separation. For what was the noble Lord's argument? The method of Government was such as to meet the noble Lord's entire approval. The best system had been pursued, no mistake had been committed, the colony had been blessed with the most exemplary of governors, and yet its condition had become worse and worse, till at length it was in a state of open revolt. If so much had been done, if there was nothing to mend, nothing to improve in what had passed, what hope could they have for the future? With this view, though he was a friend of separation, and the House might think it treason to confess it, he thought that a separation would be the best thing both for England and for Canada. But he was not driven to this conclusion by the same train of argument as had been pursued by the noble Lord; for he thought, that there was much to blame in our system of colonial government, not towards Canada alone, but generally, and that there was much which admitted of improvement; and if it were not for the hope which he entertained of an amendment in the whole system, his anticipations for the future would be most desponding. He regretted that there was no hon. Member in that Assembly so intimate with all the facts of the case as to reply to the statements of the noble Lord;

the hon. and learned Gentleman who lately represented Bath, and who knew these facts, was unhappily not then a Member of the House; still he would say, that no person could read the long and voluminous Canadian reports with any correctness, if he did not see that there were many errors and inaccuracies in the noble Lord's speech, both as it regarded the conduct of the House of Assembly in Canada, and the conduct of the Colonial-office here. He agreed entirely in the encomiums which had been passed on the dispatches and the conduct of Sir George Murray. No one could read the correspondence between that gallant officer and Sir James Kempt, and especially the passage in which it was said, that if "the House of Assembly were called upon to vote a certain portion of the revenue, it would acquire virtually a control over the whole," without perceiving that Sir George Murray had an accurate knowledge of the true state of the country, and that if his advice had been attended to, the differences would have been adjusted; and that if accidental circumstances had not prevented, in 1829 or 1830, the introduction of an act repealing the act of 1774, the grievances then complained of would have been fully adjusted. The revenues would have been given over to the assembly on terms satisfactory to all parties, and he could not understand why, when Lord Ripon became colonial secretary, the same arrangement had not been carried into effect. But while that noble Lord was Colonial Secretary, circumstances happened which completely frustrated the amicable settlement; that noble Lord thought fit to advance a claim not only for the appropriation of the casual and territorial revenues —without the consent of the Assembly, for the purposes of civil government, a claim which had been made by former governors—but also for the diversion of them from the purposes of civil government, and making them over to the clergy. This claim wholly prevented the settlement of the financial disputes, for it left the Assembly in a worse situation than it was before, and was thought to be no less novel than it was preposterous and unreasonable. If the financial dispute had been met by a disposition to do justice, it would have been settled at this time, and the same remark applied to the other disputes in every particular. If this had only placed the Legislative Council in harmony with the feelings of the people, they never would have demanded an Elective Council. This demand was never made till 1833, when the council was still as unacceptable to the people as it was in 1828, at which period Lord Aberdeen had recommended that the Legislative Council should be made acceptable to the Canadians. If the Government seriously intended to apply this rule of conduct, how was it that they had so signally failed in finding proper men to appoint to the office? Was it so very difficult to lay their hands upon fit men? Or was it that they were not very strictly sought for? As it seemed to him, therefore, the Government had nothing but itself to thank, on account of its own omission, for the result which had taken place. There was no conduct which rendered the House of Lords unpopular in this country which did not apply with equal force to the Legislative Council. It was admitted, at the time the noble Lord's resolutions were passed, that some remedy must be applied to the evils which accrued from this source; but how did the noble Lord reconcile with his speech the fact, that though the House had resolved that important alterations should be made in this council, Lord Gosford, when he opened the House of Assembly, on the 18th of August, was not prepared with such alterations? Did such a course of conduct give the House of Assembly a fair chance of proceeding to the discharge of its duties? Was it taking the best means of avoiding the ultimate painful consequences? Either Lord Gosford or the Colonial-office appeared to him to have been guilty of a great omission, and to be chargeable in some measure with a neglect of duty. It seemed also to him that from the tone of the noble Lord the Member for Stroud, in treating this question with an entire absence of all conciliation, it was not difficult to foresee a long series of increasing embarrassments and difficulties. Her Majesty's Ministers seemed not to be unwilling to undertake what had ever been a difficult task to every Government—they were not unwilling to attempt the Herculean task of ruling in defiance of the recorded sense of a majority of the inhabitants which they were called upon to govern. By what means was this last to be accomplished? To what could they look but force; constraint to prevent the outburst of dissatisfaction which would smoulder beneath the surface of fancied security? They should recollect that it was not the same thing to put down by armed restraint, and to eradicate discontent. He did hope, however, that the noble Lord would not think it beneath his attention to consider that the Canadians were bordering on the United States of America, and that however considerable might be the vast power of England to keep down a most reluctant people, yet they could not fail to imbibe something of the feelings and the habits of that vast and flourishing republic, which occupied so large a portion of that continent, and which was so close to the limits of Lower Canada. It seemed to him (Mr. Grote) that to rule in the manner proposed was to saddle on England a great burden and inconvenience, and to entail on the province itself nothing but what was oppressive and intolerable. Let the noble Lord say whether, with the best intentions on the part of the Colonial-office, it was practicable to prevent in so distant a colony as Canada the possession of power which might be turned to the private purposes of a small knot of individuals, of a little oligarchy, who govern there for their own benefit under the name of the colonial office. He would predict that even if they sent Lord Durham to Canada he would find no men more ready to thwart his views than this very Legislative Council for whose sake her Majesty's ministers appeared inclined almost to decimate the people. He would find nothing but jobs which it would be his duty to put down, and he would discover the most gross mismanagement, and if he agreed to go out armed with nothing but pains and penalties unsuited to the genius of a free country, he would be thwarted as well by the Legislative Council as by the people at large. To the Bill suggested by the noble Lord (Lord J. Russell) he should feel it his duty to give his strenuous opposition in its passage through every stage; he thought that the House of Assembly had not done anything to justify a measure so stringent and severe. The Government had taken up the worst ground which it could occupy when it said to the Canadians "You shall either have a Legislative Council unfriendly to the great body of the people, or you shall have no constitution at all;" and he confessed that he entertained no very sanguine expectation from the success attending the governor going out after such a measure as was then suggested. He doubted not but that Lord Durham would introduce into Canada the measures which the Committee of 1828 had suggested long ago; and he begged the noble Lord especially to recollect that even at that time the Committee recommended that the Legislative Council should be formed of men of impartial and conciliatory dispositions and that this recommendation had never been carried out down to the present time. If the council had been made thus impartial and conciliatory, how did it happen that the people did not gratefully ackowledge the change? Let them look at a case in point, to which the noble Lord would find no objection—let them look at Lord Mulgrave's government in Ireland, where his position was fully made out; let them look at the altered feeling of the people of Ireland, when they really felt that there was in the Government a recognition of their wishes and a desire to act impartially and conciliatory. And why had not the same feeling been discovered in Canada if there was the same cause for its existence? If this feeling had been fostered, if the people in Canada had been dealt with in a conciliatory, friendly, and kind manner, he entertained a strong conviction that the demands which they had put forward would have been disposed of satisfactorily, that either they would not have been so strongly pressed, or they would have been susceptible of an easier adjustment. If the House passed a bill suspending the Canadian constitution, unaccompanied not only by distinct promises but earnest signs of a redress of grievances, there would be nothing but increased troubles. The discontent engendered by the noble Lord's resolutions would be still further confirmed and still deeper rooted; for let the House read with attention Lord Gosford's statement, that there were many men in Lower Canada who, though they disapproved of the proceedings of the House of Assembly, disapproved of the noble Lord's resolutions still more: let them mark well that most important passage, and remember that each such act would leave a deeper and a deeper sting behind, and would render conciliation more difficult. Let them redress the Canadian wrongs, and not begin with more coercion, and in his opinion, more unjustifiable proceedings than any which had yet taken place. If they carried out the noble Lord's proposal, where would they stop? If rebellion by part of the people justified a suspension of the constitution of a country, why did he not propose to suspend that of Upper Canada, for there had been a revolt there also? He did not object to this omission, for, thinking that the proposal was unjustifiable, he was glad to find that it was not to be extended; but still the same argument might be adduced in support of such a proposition. He could see no benefit which could be gained from severity and coercion, whilst he feared from it the great evil of continuing in the minds of the inhabitants a feeling of despair that justice would be done to their country; he need not say, that to govern a colony tranquilly the people must be animated with a feeling of respect towards their governors; and he was sure that coercion would never redound to the profit, and still less to the honour, of the mother country. For these reasons he must oppose the address: and he sincerely wished that it had been more distinct in recognising the redress of the Canadian grievances.

Sir *Robert Peel* said, that the noble Lord, the Secretary for the Home Department, in the course of the speech with which he had commenced this discussion, had brought under the consideration of the House two most important questions—one, an Address to the Crown, pledging the House of Commons to support the Crown in the efforts which it might make for the suppression of actual revolt; the other, a legislative measure for the suspension of the Constitution of Lower Canada, and investing the individual who was to proceed to that colony for the purpose of taking upon himself the administration of its affairs as Governor with dictatorial power. He was called on to-night, he apprehended, to give his opinion with respect to the first of these propositions, and while as a Member of that House, he should pledge his support to the Crown in its endeavours to put down rebellion on the part of a portion of her Majesty's subjects, he must say, that he was glad that the question of supporting the authority of the Crown against open insurrection, and the legislative measure which the noble Lord proposed to bring forward, had been kept perfectly distinct and separate. He considered that the first question was one of sufficient importance to justify a separate discussion. When it became necessary, he should freely express his opinion with regard to the policy of the measure which the noble Lord had stated it was his intention to propose; but at present he should confine his observations to the question of the Address to the Crown. He lamented that so much time had been permitted to elapse before this subject was brought before them. If he had been in the House when the noble Lord proposed a three weeks' adjournment, he should have voted for the proposition which was then made, that the House should meet without delay for the purpose of considering an Address to the Crown, and of assuring the Crown of the support of the House of Commons. They had at that time the information that an attack had been made on her Majesty's troops by her Majesty's subjects—that a portion of her Majesty's subjects were in open insurrection against her Government, and no time ought to have been permitted to elapse without assembling the House of Commons, for the purpose of intimidating the disaffected, and of encouraging the loyal and well-disposed. No doubt the Members of the House had separated, because it was understood that no business of importance would be brought forward till after the holydays; but when the fact was made known that a portion of her Majesty's dominions was in open revolt against her Government, there could have been no reason whatever why an adjournment for three days should not have taken place, and the House have immediately re-assembled for the purpose of giving that assurance to the Crown which was now so tardily, and as far as Canada was concerned, so unimpressively conveyed, that in the suppression of the revolt, the Crown might rely on the support of the House of Commons. He was surprised, also, that no direct and formal communication had been made to both Houses of Parliament by a message from the Crown on this subject. Surely when they knew that the Queen's troops had been actually called on to repress open insurrection—when they knew that the attack of a British force had been repulsed by the insurgents—when they saw martial law proclaimed—when they saw the most pressing instances addressed by the Governor to other colonies for troops—surely these were facts which justified a direct communication to Parliament from the throne; but the House of Commons had not, till five o'clock that evening, received even an indirect intimation that the Queen's troops had been in collision with the people. It appeared that before the adjournment of the House of Commons no accounts whatever had reached them of the result of the expedition under Colonel Gore, and it was not until to-night that the House of Commons were informed of the result of the engagement which had taken place between those troops and the persons who, acting in open violation of the laws, had opposed the forces of her Majesty. It was no answer to say, that the dispatches had not arrived, and that there had been no opportunity to communicate their contents before. But it was not of this that he was complaining especially, but he complained that the Crown had not sent any message to the House stating the circumstances attending the revolt, and soliciting the aid and support of the House of Commons in endeavouring to put it down; and he would venture to say, that in the history of this country no event of so much importance as the insurrection in Canada had taken place without its having been deemed necessary to communicate the fact specifically to the House of Commons, not by means of the publication of papers alone, but by means of a message from the Crown, in which a solicitation for support was included. He would begin with the events of the American war, and all the unfortunate transactions which took place with reference to that struggle for independence. In 1774 the disturbance took place in Massachusetts, and the riots also broke out in Boston. Parliament was aware of the unfortunate differences existing between that colony and this country from the reports which had reached them; but the notoriety of the matter was not considered a sufficient reason to relieve the Crown of the necessity of making a formal communication of the facts to both Houses of Parliament, and a message was accordingly delivered, setting forth the circumstances, and soliciting the aid of Parliament in suppressing the disturbances which prevailed. The occurrences in Boston also took place in 1774; but they formed the ground of a distinct message from the Crown, and of a distinct application for the support of Parliament. The case of the mutiny at the Nore, in 1797, was another, the facts of which were perfectly notorious, and had even been the subject of discussion in the House before they were introduced to its notice on the 1st of June, having been brought forward by Mr. Sheridan; but still on the 1st of June the Houses had a notification conveyed to them by a message that the mutiny had broken out, and their support was prayed. Take, also, the whole case of the Irish rebellion before the year 1798. In the year 1797, when Lord Camden was Lord-Lieutenant of Ireland, before the rebellion had broken out, when disturbances however prevailed in Ulster, and when assemblages of armed people had taken place, the Government did not then leave the Irish Parliament to collect the circumstances from the papers which were published, and the rumours which were afloat, but by a message it informed the Parliament of the whole of the facts, and prayed their support. In 1797, when the apprehension of two committees of the United Irishmen, in Belfast, had taken place, the same course was pursued; and in 1798, on the 22nd of May, before the rebellion actually broke out, a communication was conveyed from the Crown to both Houses, through the medium of the Lord-lieutenant. Then again, in 1803, when there were no separate Houses of Parliament in Ireland, the Crown made a distinct communication to the Imperial Parliament by a message. The substance of the message on the subject of the rebellion was, that his Majesty felt the deepest regret in acquainting the House of Commons that treasonable and rebellious opinions had been shown to exist in Ireland, and that his Majesty relied with the most perfect confidence on the wisdom of the steps which the House would take to afford protection to his Majesty's Irish subjects, and to restore and secure the general tranquillity of the country. Why, he would ask, had this uniform course been adopted? and why was it, that when a revolt, such as had broken out in Canada, came before them—a revolt calling for the proclamation of martial law to put it down—why was it, that in such a case the Crown had not thought it becoming to make a communication in accordance with the stream of all analogous cases in our history? There was not a single instance in our history in which the Crown had left it to Parliament to gather from the despatches facts which should be communicated by a message from itself. He was quite aware that, in the Queen's speech, there was a reference to Canada; but that reference did not relate to the revolt; for, at the period when that speech was delivered, the revolt was not known, and the passage in the speech altogether referred to the events of last session, and in no way relieved the Ministers of the Crown from the *onus* of making a formal communication to the House. He had just heard an hon. Gentleman say, that this was only an objection as to form, and he was quite aware that it was an objection as to form only, and not as to substance; but he would ask the hon. Gentleman, who appeared so much to undervalue form, if, when a revolt took place, and martial law was proclaimed in a colony, it was to be deemed of no importance that the uniform usage in such cases had not been adopted, and that thus the importance of the matter should be altogether underrated? The main question before the House, however, was, if it was fitting that the House of Commons should assure her Majesty of its cordial support in putting down this revolt; and he must say, that he never felt more sincerely that he was right than when, without passion, and after great deliberation, and not without a cautious forecast of all the probable consequences, he came to the conclusion of offering to the Crown his assurances of cordial support in attempting, at any hazard, to suppress this revolt. The hon. Gentleman who had last spoken, had suggested considerations which he admitted to be of great importance. He said, that the majority of the people of Canada were disaffected to the British Government, and he contended that therefore they ought to be released from their allegiance. The hon. Gentleman stated, that the more conciliatory the intentions of the colonial Government had been, the greater had been their failure, and the greater were the apprehensions that it would be impossible to establish mutual goodwill and harmony in the relations between the colony and the parent state. He admitted the importance of these suggestions, but at the same time he must be permitted to ask, whether the principles which the hon. Gentleman had laid down, were to be applied to the whole empire. Let not the House forget, that we had an extended colonial empire, including India, including Europe. Let them not forget the extent to which this principle, if admitted, might be applied. Let it be laid down, then, as a principle, that the first expression of dissatisfaction with our Government, and the first instance of resistance to our authority, was to be a signal for abandoning our claim to superiority. To put the strongest case, suppose Canada were an island; could we say, that after possession of the colony for seventy years, gained by a series of brilliant conquests, and after we had at least intended to do justice, that we ought to relinquish our sovereignty, because it was dissatisfied with our Government? If we laid down that principle, could it be limited to colonies? Could it not be applied to integral parts of the empire? Why might it not be extended to a part of England, if that part expressed itself dissatisfied with the rule of England? The fact of dissatisfaction with our Government, as the hon. Gentleman contended, showed that the colony had been misgoverned, and then, he asked, what was the good of ruling over discontented subjects. Why, if we were to act on such a rule of public conduct, the glory of England would, in ten years, be utterly annihilated. The great influence which we possessed, owing to our vast colonial estalishments, and the great power which we derived from our navy, which, as the noble Lord had observed, was supported by our commercial marine, would soon pass away; and England, from the foremost rank among the nations of the earth, would descend to the situation of a subordinate and a fifth-rate power. Suppose that doctrine be applied to an island not connected with the British empire, would it even then be applicable to Canada? He thought not; for there appeared no reason for believing, that the dissatisfaction of Canada was so fixed, so deeply rooted, as to despair of effecting an ultimate arrangement. He had to-night, and for the hundredth time, heard some Gentlemen opposite deploring, that the Conservatives had been excluded from the Government, not on account of financial matters only, but from many other causes; and they had said, that if the Conservatives had remained in office, the interests of the country would have been much better managed. To-night had the hon. Member for Kilkenny declared, that he had no doubt if Lord Aberdeen had continued in office, there would have been no insurrection in Canada. There was a corollary which might be deduced from this, which was, that nothing could have been more factious and unprincipled than the opposition which had effected his being thrown out. "See," says the hon. Gentleman, "the enclosure in Lord Aberdeen's despatch; that will show that there was every disposition on the part of the Government to make any concessions that might be consistent with the integrity and honour of the British empire." If, then, Lord Aberdeen had remained in office, this question would never have been brought forward. Was it not wrong, therefore, that his Lordship should have been excluded from office, and would it not be just, since his policy had been approved of, to give him another trial? It was unwise to apply the principle of separation with respect to the Canadas, because there had been at Richelieu and St. Denis some slight insurrection. The hon. Member for Kilkenny (Mr. Hume) said at once, "Shake them off, for their connection henceforth will be grievous and burdensome;" but he said "No! try first the counsels which you admitted might, if they had been carried out, have prevented these disturbances." The hon. Gentleman could not deny this admission, for he had read an extract from Lord Aberdeen's minute, in which his Lordship had referred to the grievances complained of in Canada, and had pointed out means which he thought might redress them; and the hon. Gentleman's conclusion was, that had such principles predominated over this question it might have been settled, not indeed by a hostile course, but by one that would have conciliated and satisfied the Canadians. There might be some who said that the hon. Member for Kilkenny had been indiscreet—that he did not see the force of his own admissions; but the hon. Member for London also shared in his condolence. He had also one bright example—one great exception—to adduce, for he lamented that Sir George Murray had not remained in office; and, moreover, that Sir James Kempt had not continued governor. If, said the hon. Gentleman, Sir George Murray had remained in the Colonial Department, and if the principles he had expressed had been allowed to predominate, the financial question in respect to these colonies would have been settled. But what was the question to-day? Was it not one of finance? It was one of feeling, but it was also one of finance. The hon. Member for Kilkenny then deplored the exclusion of Lord Aberdeen from office, because the course he proposed would have conciliated the Canadians, and the hon. Member for London deplored the exclusion of Sir G. Murray, because the policy he adopted would have removed all their financial grievances. This, said the right hon. Baronet, surely afforded collateral proof, first, of a most factious combination to drive honest and well-intentioned Ministers, as we were, from power—and, secondly, although unwise men may have succeeded us, whose policy has increased those disturbances, that there had been legitimate hope of settling this question by mild and conciliatory measures. But even supposing the principle of the hon. Gentleman to be applied to a separate dependence, such as Jamaica, he must, nevertheless, deny its application. Was this great country prepared to say, on the first manifestation of any rebellious feeling, "Separate from us, and establish a government for yourselves," instead of re-calling them to their duty? He thought not; and that the application of this principle was perfectly inadmissible. But if it applied to so distant an island as Jamaica, it would apply also to any one that was nearer, even to those that were most contiguous to the country. Suppose, for instance, the people of the Isle of Wight should fall out, and say that they had a right to be independent; that the rules of this philosophic argument were made for small as well as large communities; and that they desired to try the system, in order that they might be relieved from the heavy taxes at present imposed on them: and they might say, that they could show many equally small Italian states which were well governed, and were prosperous, and that the channel being between them and the mother country, there was no reason why they should not be equally so, or should not constitute themselves like the Canadians, a small republic, with laws and institutions of their own. What would the hon. Member say to that? His argument would apply there if it applied at all. But then the hon. Gentleman, seeing that the Isle of Wight might become attached to France, might find it convenient to say, "No, you are essential to our security from your being contiguous to Portsmouth, and we cannot permit you to be separate;" but if the principle was good in one case, it would apply to all. In considering the case of Canada, however, it must be inquired what would be the effect on the interests of those colonies in its immediate neighbourhood. If it could be foreseen that on the Canadas becoming independent they would be unable to stand against the United States, and on the first *bonâ fide* quarrel with them might fall to them, and be annexed to their other territories, and our own British American colonies should thus be separated from each other, we should still be bound by the obligation owed, not only to them, but to other parts of the British empire, to consult their interests. Suppose, now, that Lower Canada was declared independent, what would become of the navigation of the river of St. Lawrence, that great outlet of the commerce of Upper Canada? Or, again, suppose the inhabitants of Nova Scotia, New Brunswick, or Prince Edward's Island, were to say, "We made a settlement here on the faith of Canada's remaining connected with the British empire. You gained it by brilliant conquest, and a treaty of peace was signed, that has now existed upwards of seventy years, and you instituted a form of government there with the best intentions for the advancement of the country; but although that Government has not been successful, we must object to the sacrifice of our own interests by your permitting the independence of a state in the North American provinces, and thus stopping up our medium of intercourse with Upper Canada." Surely these complaints would be reasonable, and surely these colonies were entitled to have a voice in the matter. Unless by the strongest circumstances England was compelled to give up Canada, it ought never to permit that country to establish itself as an independent state; and if they should permit that to be done, what answer could be made to the complaints of the other colonies, which would be placed in a subordinate position by the very act of the Government by which they should be protected. He therefore said, that the case of Canada was not a simple abstract question, it was one which could not be considered separately from the question regarding the other colonies of North America. The situation of Canada and the physical condition of the other colonies of this country in North America must be considered together. That House and the Government must only look at Canada as an independent state when the situation of the other colonies in America could be regarded as independent states. These were prepared, however, to perform all their duties to this country as colonies, and therefore it would be the grossest folly on the part of England to allow the connexion to be lightly broken. He repeated, then, that the question of the separation or independence of Lower Canada could only be considered at the same time with the navigation of the St. Lawrence, the peculiar circumstances of the other colonies in America, and their neighbourhood to the United States. Therefore, as regarded the honour of the British Crown, the interests of the other British colonies, the well-being of the British settlers in the upper province, and the interests of Great Britain elsewhere, they ought not to let this revolt be triumphant, or suffer the flag of Great Britain to be lowered to the partisans of Mr. Papineau. At the same time that he should give his cordial consent to the address proposed by the noble Lord, he did not mean thereby to apply anything like approbation of the course pursued by her Majesty's Government. He should give unhesitatingly his cordial support to the address in the first place, and it was for the essential reason, because this country had acted liberally and justly towards Canada. It was impossible to look at the correspondence on the table—he meant the whole series of correspondence — without coming to the conclusion that Canada had occasionally just grounds of complaint. But he would ask, how could this country maintain its authority and dominion even at home, if at the first suggestion of a grievance revolt was to take place and the people were to resort to arms? He did not deny that when this country was engaged in war with foreign powers, that domestic affairs were neglected, and that the Canadians had just grounds of complaint; but of late years the affairs of Canada had been regarded as matters of essential importance, and he had never known an instance in which a mother country had manifested a greater desire to do justice to a colony than was exhibited in the course that had been pursued towards Canada. In a passage of the address of the Assembly of Lower Canada, which was referred to by the noble Lord, it was stated, that the report of the Committee of that House of the year 1828, and the recommendations embodied in it, furnished imperishable evidence of the liberality of this country. But he begged the House to recollect, that Lord Aberdeen not only acted upon the recommendations of the Committee of 1828, but went beyond those recommendations in the course he pursued; and in every case in which the recommendations of the Committee were not acted upon, the delay arose, not from the Government at home, but from the Canadians themselves. There was an end, then, to the assertion that they were not disposed to attend to the affairs of Canada. At the same time he was prepared to admit that the habits of the people of that country and their feelings and prejudices were not the same that existed at home, and that, therefore, allowances should be made for their conduct. While he admitted this, he repeated, he was convinced of the justice of the course pursued, and of the folly of a proceeding on any allegations of grievance which could at least be found in these papers, to such an extent as to revolt against the authority of the Crown, and to organise an armed force against the civil and military authorities in the colony. He was convinced, that if the authority of the Crown was to be maintained in Canada or at home, this revolt must be suppressed, and he should, therefore, give his cordial support to the Address, and he should support measures at any hazard to carry it into effect. But he did not by this mean the House to imply that he placed confidence in the Queen's Government, or that he meant to approve of their conduct, or was satisfied at the course which they had pursued. But for what the noble Lord had said, he should have been content to pass over this part of the subject; but the noble Lord in the course of his speech had challenged a reference to these documents for approbation of the conduct of the Government. He was bound to say, on reading them, that measures of precaution had been neglected previously to the revolt. But before he did so, he might be recommended to look at the papers on the table, and see whether the authorities in Canada complained of any want of military force there. He did not know with whom the blame rested, but after passing the resolutions last year having reference to Canada, and after the excitement which might naturally be expected to follow on their adoption, surely somebody in authority at home or in Canada might have suspected that some such result would have followed as the revolt. Could anything have been more delusive than the hope that a feeling of satisfaction and quiet could arise from the passing these resolutions? Did the Government imagine that it could pass these resolutions, declaring that the British Legislature could not trust the House of Assembly of Lower Canada with the management of the funds of that colony, although they did not follow up their resolutions by passing a Bill, without producing angry and excited feelings? For his own part, he firmly believed that a Bill on this subject might have been passed last year. Any delay was prejudicial, for the result, as might have been expected, was, that the Canadians felt assured that the Government at home was afraid to enforce them. There was not the slightest prospect that any delay in passing the Bill founded on these resolutions, would conciliate the Canadians to us. On the contrary, immediately after passing the resolutions, the Government might have expected some such result as an insurrection. The same course was pursued when the resolutions respecting imposing a stamp duty in our former American colonies passed that House. It was then said, that an objectionable mode of proceeding would be avoided by passing the resolutions, and postponing the Bill to carry them into effect to the following Session. The same result then followed as now; for by calling in question the authority of the local Assembly, an insurrection was excited against the mother country. He contended that the Government ought to have been fully prepared to expect that the feeling of dissatisfaction that prevailed in Canada would be greatly increased by passing these resolutions. In addition to this, to whom did they look for support? Why to another party, who were also dissatisfied with the treatment they had experienced. He knew this, from the picture of the country drawn by one of the friends of her Majesty's Government. This picture was drawn so lately as the 12th of October, and the writer stated—

> "Some of the immediate fruits of the system now in operation, which, if not put down, must lead to the worst consequences, are to be seen in the apathy and inaction of such of the magistracy and persons of property who had not joined the revolutionary party—in the extreme difficulty of obtaining accurate and available information of what is passing; and judging from recent events, in the little probability, even if evidence of sufficient weight could be procured to arraign the offenders, of a jury taken from the district of Montreal finding bills and convicting on them."

Again in another part of this document it is stated:

> "It is proper that I should represent to you the inadequacy of the powers at the disposal of the local Government, for meeting the difficulties that surround it. The law fails to afford its support; the civil authorities become therefore impotent; the Habeas Corpus Act cannot be suspended. The clergy, though well-disposed and loyal, are reluctant to come forward; any further appeal to the present Parliament would not only be inexpedient and useless, but positively injurious; and a dissolution offers no prospect of a more reasonable House of Assembly, nor any hope that the new House, which would be composed of a majority of the old Members, would recede in any particular, from the demands so pertinaciously insisted on by the present body. Indeed, a dissolution, if decided on at all should not at any rate be resorted to, before the whole of the measures and arrangements you now have in contemplation respecting this province shall have passed into law and be perfected. In such circumstances, and seeing that the Imperial Parliament has solemnly and unequivocally stated that it will not accede to the Assembly's demands, I am, forced, however reluctantly, to come to the conclusion that the only practical course now open for conducting the affairs of this province with any benefit to the inhabitants generally, is at once formally to suspend the present constitution, which both parties unite in confessing cannot

now be worked, and which has in fact for the last twelve months been virtually suspended; to increase the military force, and to strengthen the hands of the executive, now almost impotent for any good or useful purpose."

Such was the lamentable state of this colony, in which for a period the loyal inhabitants had been discouraged by the authorities. They now, however, passed for and were recognized as loyal men; but, at one time, they were taunted with being Orangemen and Tories, and were called upon to come forward and supply the place of the troops which ought to have been, but which had not been, sent out to Canada. He should refer once more to the document before him to show the treatment to which the loyal inhabitants of Canada had been exposed:—

> "The mode of proceeding adopted for keeping up and increasing this feeling is by parading nightly, in the town of Montreal, large and organized bands of men, who, however, have as yet proceeded to no acts of violence or breaches of the peace; by inflammatory speeches at meetings; by seditious publications and resolutions of the central committees; by placing (in the most disturbed of the rural parishes) those who are loyal and hold opposite political opinions under a species of excommunication, and keeping them in dread of nocturnal injuries to their property; by burning in effigy those in higher stations, and by subjecting them to a kind of annoyance called a *charivari*, which is the assembling of a crowd before their doors, for the purpose of alarming them and their families at night with uncouth noises, hisses, threats, and other manifestations of popular displeasure. Sir John Colborne, the hon. Mr. Debartzch, and others have been exposed to this kind of outrage, which, in a recent instance, at St. Dennis, in the county of Richelieu, was unhappily attended with loss of life and property."

This, then, was the way in which the loyal inhabitants of Canada had been discouraged, and who ought not to have been left, after the resolutions had passed, without powerful military support and co-operation. The noble Lord might ask whether a military force had been required by the authorities in the colony. On that subject Lord Glenelg, in a dispatch sent out to Lord Gosford, in reply to the request of the noble Lord that two regiments should be dispatched to Canada, said that the doing so would be attended with greater inconvenience than any advantage that could arise from their presence. It was evident, however, that this was not Lord Gosford's opinion, for he said, so far from the presence of an additional military force there being attended with inconvenience, that the arrival of a regiment in Canada from New Brunswick had been attended with the greatest possible advantage. It was not the opinion of Sir John Colborne, for in one of the papers laid on the table that night, that gallant Officer stated that the troops which he had sent for had not arrived in consequence of the late period of the year, although three expresses had been sent to hasten their march. It was also generally understood that the militia could not be called upon to act unless in case of war with the United States. It appeared, then, that there had been a complete want of foresight, either on the part of the home or the colonial authorities, to pass resolutions influencing, as those of last year did, the state of Canada, and thus defying the power of the House of Assembly, and leaving the loyal inhabitants without adequate military support, and thus leaving to the machinations of the disaffected an innocent and rural population who were not of themselves disposed to revolt. Some might assert that they took a more enlarged view of the subject, and that no great evil would result from the revolt. He did not agree in this, although he believed that the insurrection had arisen from certain disaffected persons acting upon a naturally unsuspecting and quiet population, and he trusted that an end would soon be put to this insurrection; but it was the duty of the Government to have prepared such a military force in the colony as to have discouraged the leaders from exciting the people to revolt. The information, however, as to the extent of the insurrection, as communicated by Lord Gosford, was by no means satisfactory or conclusive; for in one dispatch he stated, that the feelings of disaffection extended to so few that no alarm need be entertained; and yet in one dated only in the next week he said, that the communications with the troops called upon to act in the disturbed districts, and to put down this sudden and extensively-combined revolt, had been completely interrupted by the armed peasantry assembled on the line of march, and that the Queen's troops could not march without having an enemy on their flank and rear. After such evidence, would any one presume to tell him that blame did not rest somewhere? He agreed with an observation that fell from the hon. Member for Kilkenny, who stated that blame rested with those who had drawn an innocent and harmless people into that which he believed to be a hopeless insurrection. Some palliation might by possibility be offered in a case where there was a reasonable prospect of success; but when those who excited the present insurrection saw what were the feelings of the British inhabitants of Canada, how great was the loyal attachment of the British race in that country, and how general was the feeling of loyalty in Upper Canada, which the hon. Gentleman, however, had repeatedly said was disaffected—when the attempt at insurrection had been at once suppressed without the presence of any soldiers, all of whom had been sent to Lower Canada—what could they plead who, he must say, had manifested such ignorance of their prospects of success when they involved an innocent population in such an insurrection as that of Canada? When he heard the hon. Gentleman make such observations as had fallen from him, he happened to have his eye to the following passage from the Report of the Committee of the House of Assembly in Upper Canada:—

"It appears, from letters of Mr. Hume, addressed to some of the Ministers of the Crown, that he is desirous of representing himself as the agent, or, at all events, as being authorised to express the sentiments of the people of Upper Canada on the subject of their political feelings, and the public affairs of the province. Your Committee are of opinion that the honour and character of his Majesty's loyal subjects in this province require that it should be promptly and emphatically declared by their representatives that Mr. Hume is among the last men they would select to advocate their cause, or represent their feelings or wishes to the British nation. The people of Upper Canada recollect that, in the year 1834, Mr. Joseph Hume addressed a letter to a correspondent of his in this country, which, referring to his correspondent's recent expulsion from, and re-election to, the Assembly, contained the following treasonable language and advice:—'Your triumphant election of the 16th, and ejection from the Assembly of the 17th, must hasten that crisis which is fast approaching in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony. The proceedings between 1772 and 1782, in America, ought not to be forgotton; and to the honour of the Americans, and for the interest of the civilised world, let their conduct and result be ever in view.'"

This was the language which in 1834 the hon. Member addressed to the people of Upper Canada; but how grossly the hon. Gentleman miscalculated the feelings of loyalty of the inhabitants of the upper province was manifested in the following passage from the same document:—

"And when it is remembered with what indignation and disgust the publication of this detestable communication was received throughout the province, his Majesty's loyal subjects cannot but regard with abhorrence the idea that the person who had thus insulted them should be supposed by their Sovereign and their fellow subjects in the United Kingdom to be their accredited agent, that they held any communication with him, or that he was in any way clothed with authority to speak their sentiments or represent their views on any subject, public or private."

But supposing that the British Legislature were to apply to Lower Canada the principle laid down by the hon. Member for the city of London—supposing it right that the connexion between this country and Lower Canada should be dissolved—still the indignity in the address of the hon. Member for Kilkenny would place it in the power of the colonists justly to have reproached this country with desertion and pusillanimity? And who was the correspondent of the hon. Gentleman to whom he uttered and addressed this inflammatory language, advising him ever to bear in mind—ever to keep in his view, the struggles of the provinces of the United States? Why it was that Mr. Mackenzie, who had made an ineffectual attempt upon the loyalty of the province of Upper Canada during the absence of the troops. Mr. Mackenzie might now say to the British Legislature:—

"I acted on the authority of the hon. Member for Kilkenny; visit not, therefore, this delusion and its consequences upon me, the mere agent and instrument of the hon. Gentleman, but rather visit it upon your own Member, to whom I gave credit as being then a Member for a metropolitan county, and, therefore, necessarily intimately acquainted with British feelings and views. I have been acting upon the advice received from the representative of Middlesex, and in apportioning the punishment to which I am subject for my misdeeds, remember his own emphatic declaration, that the real responsibility for the revolt rests not on the humble deluded agent, but on those who gave advice and uttered suggestions disparaging to the authority of their own country and destructive of the integrity of the British empire."

Viscount *Howick* said, that although the right hon. Baronet who had just sat down had expressed his concurrence in the Address which had been moved by his noble Friend, the Secretary for the Home Department, and although there was much in the speech of the right hon. Baronet in which he entirely and completely concurred, still there were some observations which had been made by the right hon. Baronet in the course of that speech—some remarks upon the past conduct of the Government with which he had the honour to be connected, which he thought should not be permitted on the present occasion to pass altogether without notice. The right hon. Baronet had commenced his speech by dwelling at a length hardly in proportion to the importance of the point upon the mode of proceeding adopted by her Majesty's Government on the present occasion, and had objected, that the Government should have thought it proper to proceed in this question by the mere presentation of papers, instead of by a formal message from the Crown. The right hon. Baronet had himself seemed to feel that this was a mere difference in form, and that the presentation of papers by command was as satisfactory a communication of information upon this subject as a Royal message. That being the case, he owned that it did appear to him that the question was one of very great importtance; but, for his own part, he thought that whatever advantage there might be on the one side or the other, that advantage was in favour of the course adopted upon the present occasion. For his own part, although he knew it was necessary to adopt strong measures for suppressing the insurrection in the Canadas, he still thought it better to mark by the mode of proceeding some difference between the case of an insurrection by fellow-subjects, and that of the breaking out of a war with the enemies of the Crown. The right hon. Baronet had adverted to some remarks made by the hon. Member for Kilkenny, and by the hon. Member for the city of London, and had amused the House by the inferences which he drew from the panegyrics of those hon. Members upon the acts of former Administrations to which the right hon. Baronet had himself belonged, and, in particular, he had alluded to the supposed desire of the hon. Member for Kilkenny to give the Members of those Administrations another chance. Now, he would just ask the right hon. Baronet on what it was he founded those claims to that great superiority in point of liberality on the part of the right hon. Baronet's own Administration over that which had now the honour of serving her Majesty? Why, it was simply upon a very able minute of Lord Aberdeen's which was to be found in the papers printed for the use of the House; and what was the object of that minute? Did it describe what Lord Aberdeen had done, or what had been done by a Tory Administration? Far from it, its object was to prove, and it did prove, conclusively that by the Administration of the party which now held office the grievances set forth by the Committee of the House of Commons in the year 1828 had been redressed. That was the object of the minute, and he gave Lord Aberdeen credit for the candour towards his political opponents which induced him to adopt and give the sanction of his authority to this minute, which it could hardly be supposed had been prepared by himself, as he could not be acquainted with the details of this subject, considering the very short time he held the seals of office. In the next place, the right hon. Baronet adverted to the panegyric of the Member for the city of London upon the Administration of Sir George Murray, and the right hon. Baronet had taken credit that that Administration had concurred with the hon. Member for the city of London in asserting, that if the Administration of Sir George Murray had continued at the Colonial-office, the financial disputes with Canada would long since have been settled. Now he could not help saying that the hon. Member could not have read very accurately the papers which from time to time had been printed for the use of the House. The hon. Member had said, that the despatches of Sir G. Murray did contain liberality of principle; but the hon. Member must have confined his examination to the mere expressions of liberality contained in those despatches, and had not extended his examination to the acts of that Secretary of State by whom those despatches were written. But what was the fact? The Committee of the House of Commons in the year 1828 recommended to the attention of the Legislature that one of the great grievances constantly urged by Canada was the want of control over the revenues which under the Acts of 1774 were to be placed at the disposal of the Lords Commissioners of the Treasury. And what steps did Sir George Murray for three years take in reference to that subject? The right hon. Baronet brought in a Bill in a most imperfect shape during the last year he held office, but never brought that bill under discussion, and in spite of the liberal expressions contained in his despatches, the right hon. Baronet for near three years left the revenue of the Canadian provinces solely controlled and directed by the Treasury at home. He had very little hesitation in saying that if the Bill which he (acting as he had done under the Earl of Ripon in 1831) had introduced, had passed in 1828, or 1829, or 1830, the result would have been very different from that which actually had occurred. He would not, however, enter into a discussion upon those points, but when hon. Gentlemen upon his own side of the House made the admissions they had done, and when those admissions were taken up by the right hon. Baronet with that most amusing art of which he was the master, and which created impressions not justified by the real facts of the case, he thought it only due to those who had administered these most important affairs, that he should endeavour to set them right in the eyes and estimation of the country. The right hon. Baronet in the next place had said, that although he concurred in the address, he did not acquit the Government of the want of due precautions with respect to Canada. The right hon. Baronet had said, that when the Government proposed and passed the resolutions of the last Session, it was their duty to have accompanied those resolutions with a sufficient force to maintain the authority of the Crown in Canada; and the right hon. Baronet had added, that it was weakness and delusion in the Government to postpone the proceeding with the Bill which was to have been founded upon those resolutions. Then the right hon. Baronet had condemned in very strong language the conduct of the Government in not having persevered with that Bill. He could not but observe, that the right hon. Baronet was totally mistaken as to the reasons which operated to prevent the proceeding with that measure in accordance with the resolutions agreed to by the House. It had been the anxious desire of the Government to have proceeded with that Bill, and they had not abandoned it under a weak and miserable delusion, as had been supposed, for the right hon. Baronet must be aware that circumstances over which the Government had no control rendered it utterly impossible for them to go on with any advantage with that measure. It had been brought forward during the serious illness of his late Majesty, and on the demise of the Crown, it was impossible to retain in London a sufficient number of Members of that House to pass the measure in such a manner as alone would give it any authority. The right hon. Baronet would remember, that in the last few weeks of the last Session, on the eve of a general election, it was totally absurd to think of proceeding with the discussion of a matter so serious as that—nobody could forget the anxiety shown on both sides of the House to conclude all necessary business. These circumstances alone prevented the Government from proceeding with that Bill. But, then, admitting that those resolutions required precautionary measures, still the question which the right hon. Baronet had raised was, whether the Government had taken proper precautions or not? The right hon. Baronet had stated, that whatever was the opinion that more force was not necessary, at all events it was not the error of the Colonial Secretary of State, and the right hon. Baronet had read a portion of the despatch of Lord Glenelg to Lord Gosford of the 22d of March.—[Sir *R. Peel* referred to the despatch of the 6th of March.] The right hon. Baronet had stated that whatever was the opinion that further military force was necessary, it was not that of the Secretary of State. His answer was, that the Secretary of State himself might think that though more force might be wanted, still that there were those upon the spot who were better judges than he in London could possibly be. He thought the appearance in the colony of the force, if not wanted, might possibly be attended with inconvenience, and that the necessity for the force was a visionary apprehension. He thought very possibly that the appearance of such a force in a mere civil contest, instead of being of use or support to the authorities, might have had a very opposite effect; and the right hon. Baronet himself had read a description of the state of the colony, and of the dangers and difficulties with which the governor had to contend. What were those difficulties? there were the resolutions passed at public meetings, there was the machinery of agitation but there was nothing menacing, open or wanton violence. True, the suspension of the Habeas Corpus Act might be wanted, but there had been no necessity for a demand for additional forces. Regiments were not necessary to put down meetings—they could not stop speeches. Regiments could not prevent the adoption of resolutions, neither could troops obtain juries to convict men for seditious practices. Additional regiments could not attain any one of these objects. On the contrary, the additional regiment appears to have produced considerable effect, and in the papers there would be found proof of it. He would refer to one of the enclosures in Lord Gosford's despatch, dated the 30th of October, 1837, giving an account of a public meeting which had been held, the object of which meeting was to increase the excitement amongst the people; and one of the topics was the arrival at the time of an additional regiment in Canada, and one of the resolutions was to this effect:—"As a climax to our misfortunes, the present Governor-in-Chief has recently introduced, in time of profound peace, a large body of armed troops into this province, to destroy, by physical force, all constitutional resistance, and to complete, by desolation and death, the work of tyranny already determined upon and authorized beyond the seas." Was it not obvious, that if an armed force was not actually wanted, its arrival before the insurrection actually took place would have been made a handle of, and would have extended the exasperation against the Government? This was the motive which induced Lord Glenelg to alter his opinion as to the expediency of sending troops to Canada. But, supposing he had altered his opinion, did he therefore leave the governor without the means of obtaining an additional force? On the contrary, in the very despatch which the right hon. Baronet had quoted, in order to show that Lord Glenelg was aware that an additional force was necessary, it was stated that orders had been given to Sir Colin Campbell to forward an additional force from Halifax, on the requisition of Lord Gosford. That was the order given to Sir Colin Campbell: and he would tell the right hon. Baronet that, though it was admitted that in winter no force could be sent to Canada, there was no difficulty in sending a force to Halifax to supply the place of those troops which might be sent thence to Canada. Although he had felt it necessary, this being the first occasion on which the subject was brought forward, to make these answers to the charges of the right hon. Baronet against the Government, he was aware that the charges, if insisted on, would require more canvassing than was convenient at the present moment. On a future occasion, if the charges should be pressed, he should be able to complete the defence of the Government; in the meantime he should content himself with expressing his satisfaction at the very general acquiescence in the propriety of the course which his noble Friend had adopted.

Mr. *C. Buller* was afraid that the right hon. Baronet alluded to him when he right hon. Baronet referred to some hon. Member's cheer as evincing an insensibility to the importance of his argument, founded on a laborious research into precedents. He was sorry if he had offended the right hon. Baronet by that cheer; but if the right hon. Baronet had understood the cheer, he would have known that it meant to express his astonishment that a person of the right hon. Baronet's intellectual powers should have expended so much of them on what he could not help calling laborious trifling. The right hon. Baronet had said he was not sensible of the importance of the question, because he was not sensible of the importance of forms. He believed that the forms of the House had been matured with great wisdom; but he was more sensible of the importance of circumstances. A grave question like this should render them indifferent to forms. He was sorry if he judged hastily of the right hon. Baronet's speech, and of the part he considered most important; but he thought that the right hon. Baronet had considered that part most important in which he had been able to taunt his political opponents, and by a dexterous application of what had fallen from the hon. Members for London and Kilkenny, to call upon them to aid him in turning out the present Ministers, and bringing back those excellent Ministers who had been removed from office by what he termed factious means. But this was unimportant in comparison with the subject itself; and he (Mr. Buller) was anxious to express his desire as a Member who had given his support to the resolutions of the Government passed last Session, to extend that support to her Majesty's Ministers in their policy towards Canada so far as at present developed. He must say, however, that the noble Lord had shown indications in his speech of a tone and spirit which had not led him to expect much liberality on the noble Lord's part. But when he had got over the little irritation at the tone of the noble Lord's speech, and came to examine the proofs themselves, he found that he could offer no opposition to his motion. He could not offer any opposition to an address pledging the House to assist her Majesty to put down an insurrection.

He did not mean to say that he would put down insurrection in every case, or that, if the British Government had misconducted itself he would put down insurrection against it. But there was no middle course when insurrection raged; one course was to acknowledge its justice, and grant the demands of the insurgents; the other was to put it down, and vindicate the majesty of the law. If it was meant to consent to a separation, and leave Canada to itself, let it be done; but if it were meant that the general law should be maintained, the law must be vindicated without parleying with the insurgents, and it was the duty of Government to put down insurrection. If he was for separation, he would say so; but he thought there was not a shadow of ground for separation, and one ground of objection to her Majesty's Ministers had been, that they had rather arbitrarily assumed, that the demands of Canada would lead to separation. He never thought so. He had always thought, that by acceding to its demands, the supremacy of the mother country would not be endangered. He was not in favour of the old constitutions of the colonies, but he did not find that they made our colonies desirous of separation. He relied upon the wisdom of our ancestors, which on this subject he acknowledged, and on experience, and he held cheap the arguments of those theorists who wished to brand him with a desire to bring about the separation of the colonies, when he wished them to have the old constitutions of Charles 2nd. He was not an advocate for separation, and he protested against the doctrine which the noble Lord and the right hon. Baronet had laid down, that colonies were to be kept merely with reference to the commerce and interests of the mother country. After the example of the United States, he was astonished at this doctrine. He should not enter into the question of the value of the colony, but he would say that we could not, consistently with a regard to the interests of the colony, leave it to itself: it was a duty on our part at any cost to bear the consequences of our own misgovernment. He should not, however, have been willing to put down this insurrection, but for the other part of the plan of Government—doing ample justice to the people of Canada. If the plan of the noble Lord had referred merely to Lower Canada, he should have been dissatisfied with it. He said, that their demand for an Elective House of Assembly was a just demand. He believed, that good government could not be established in the British North American Colonies without a wider scheme, and the only way of doing it was by altering considerably the extent of the local divisions of the colonies. By what means were these to be carried into execution? We could not legislate effectually here in such nice matters. What was done must be done with the consent of the inhabitants in the colonies. What was the course to be pursued? You must send out a negociator to ascertain their wishes, armed with sufficient power. He was not prepared to admit the propriety of suspending the whole constitution in Lower Canada. He hoped, that in any plan of the noble Lord, he would manage to give the people of Canada a security, that their just wishes would be complied with. He hoped the Bill would be immediately brought in, and that the appointment of Lord Durham to go to Canada would be speedy, and that his Lordship would repair soon to a place where he was much wanted. In conclusion, he could not find any apology for the insurrection in Canada; but he hoped the House and the Government would recollect, that the surest mode of pacification was to show clemency to those who were now to be considered as vanquished. However much he might lament the carnage and conflagration which had taken place, he rejoiced that the insurrection had been put down, for it appeared to him, that there was now a fair opportunity of acceding, with decency and propriety, to the just demands of the people.

Sir *A. Dalrymple* said, he had read the papers, and he did not believe, that the archives of all the Governments of the world could produce such proofs of weakness. On the 6th of March Lord Glenelg says, that the regiments are to be sent out; on the 26th of March he says, they are not to go. If the troops had been on the spot, the traitors in Canada would have considered well before they began the insurrection.

Lord *J. Russell*, in explanation, said, that he had been misapprehended by the hon. Member for Liskeard. The hon. Member had supposed, that he had negatived every proposition for councils similar to those which had existed in the old colonies; but what he had said was, that he agreed with the Report of the Commissioners, that without determining whether Elective Councils might or might not be expedient, or whether they were applicable to the North American colonies, the state of society in Canada was such as rendered it inexpedient to introduce one there; that was the extent of his objection to Elective Councils. He would farther say, that his hon Friend, and some other hon. Members with him were too apt to look at this question as one between the Government and the people of Lower Canada, whereas they ought to bear in mind, that there was a great body of British residents there to be considered. He agreed with his hon. Friend in the hope that there might be a satisfactory settlement of the question, but he must at the same time say, that he could not hold any settlement of it satisfactory which did not provide equally for the interests of the British as for those of the French inhabitants of the Canadas.

Mr. *Leader* said, it was not his intention to enter into the question under discussion, and that he rose merely to protest against the Address which the noble Lord had moved, coupled with the speech which he had made. That speech, he must say, was most unjust in its character towards the Canadian people and the House of Assembly of the Lower Province, and taken in connexion with the Bill which the noble Lord meant to bring in, there could, he thought, be no doubt, that there was to be in the measures of the noble Lord more of coercion and less of conciliation than they had a right to expect at the hands of her Majesty's Government. If the noble Lord had given them some intimation of the course he intended to pursue they would have been prepared to go into the whole subject, or at all events would have had less difficulty as to the line of conduct which they ought to adopt. If they were to oppose the Address by a direct negative it would, he knew, be said, that the motion was resisted by a factious vote, and that was an imputation that he, for one, was anxious to avoid. At the present hour it was impossible, that they could enter into the question so as to be able to refute the many fallacies contained in the noble Lord's speech. [*Laughter.*] He could assure those hon. Members who laughed that the speech of the noble Lord did contain much misrepresentation, both with respect to the Government, the grievances, and the conduct of the Canadians, and he said this not on his own authority but upon the authority of men much better acquainted with the question than he was himself. Unless, therefore the noble Lord allowed them an adjournment until to-morrow he should consider it necessary, disagreeing as he did with the Address, to oppose it by moving a direct negative, and he should take this course because he felt if they did not oppose it either by an amendment or a direct negative they would hereafter be pledged to all the measures which the Government might think fit to adopt; and even though these measures were at variance not only with their own sentiments, but the sentiments of the great mass of the people out of doors. If the noble Lord had told them that his intention was to propose an amnesty, with a view to conciliation, and a redress of the grievances of which the Canadians complained, there might have been no objection to the Address which the noble Lord had moved; but when that was not the case—when the noble Lord, in his speech, arraigned the Canadian people, and told that House that one of the measures which he intended to bring forward was the suspension of the Canadian Constitution—then he must say that it was impossible for any one who disapproved of such a course to vote for the Address. This being the present position in which they were placed, and not wishing to detain the House to go into the subject, or to give what might by some be deemed a factious vote, he must entreat the noble Lord to consent to the proposition which he now made, of adjourning the debate until to-morrow. If the noble Lord would not agree to the adjournment of the debate—if he would not allow those who wished to speak an opportunity of arguing the question fully and dispassionately—and, if it were true, as he asserted, that a considerable portion of the noble Lord's speech was made up of fallacies, and that they were not to have the opportunity of proposing an amendment to the Address, then all he could say was, that he and those who thought as he did were threatened into giving the motion a direct negative, and the blame would not rest on him or them, but upon those who overwhelmed them, by a large majority, and would not allow them, to enter into the debate properly. Hon. Members acted unjustly in asking him to proceed at that late hour of the night. The subject was one of vital importance—one which required at their hands full and proper discussion: and, therefore, he thought it hard that he and those who acted with him, should be compelled to go into it at such a time of night. He was aware the noble Lord had the power to resist the motion if he thought proper, but he should consider that the delay sought for was not a week or a fortnight, but only a few hours. The hon. Member, after again entreating the noble Lord to accede to his proposal, moved that the debate be adjourned until to-morrow.

Mr. *Baines* seconded the motion and said, that he did so with no factious view, but because he thought the matter to be of great national importance, and that they were bound to address their minds to it in a manner worthy of the subject. He certainly felt that they were taken by surprise, and that they had come down to the House without knowing, in fact, what they were going to discuss. Such a knowledge he considered necessary to their deliberations, and when he contemplated how much was involved in the question, and that civil war might be the result, he did entreat the noble Lord to afford to the House and the country a full and fair opportunity of discussing a matter which might involve considerations so mighty in their consequences, not only to the Canadas, but to this country.

Mr. *Hume* rose, amidst loud cries of "Spoke, spoke." The hon. Member said, he only wished to say one word to the noble Lord. The question was simply this, whether those who had not spoken, or wished to speak, should have an opportunity afforded them to-morrow of contradicting the statements which the noble Lord had made. It appeared to him that the noble Lord was afraid to trust his speech to examination even for the short space of twelve hours. The noble Lord had taken them by surprise, but if he were, as he would have them believe, confident in the righteousness of his own case, why refuse an adjournment until to-morrow. He had no hesitation in saying, that if the noble Lord had not brought forward the second part of his plan—that relating to the suspension of the Canadian Constitution—he would not have any objection to the Address, but, as the noble Lord had taken that course, they would, he thought, have to blame themselves if they agreed to the motion without more time for consideration were given to them. If the noble Lord wished perfect unanimity on the part of that House, what he ought to do was, to withdraw the second part of his plan, and then, while he declared that the revolution should be put down by means distinct from conciliation, he should say that the just demands of the Canadians should no longer be put off with promises, and state exactly what the Government intended to do in the way of redressing grievances.

Lord *John Russell* did not think the House would consider that he was unreasonable when he stated that he must oppose the motion of the hon. Member for Westminster for the adjournment of the debate. The hon. Member for Kilkenny said, the House had been taken by surprise, but that was not the fact; for he begged to say that he gave notice when the House last separated, that he meant this day to bring forward the affairs of Canada, and that that subject should have precedence of all other business. With respect to the Address, all he need say, was, that, so far from pledging the House to particular measures, all that was asked by it was, to know whether they determined to maintain the allegiance of those colonies or to abandon them? Now, that was a question on which he thought he had a right to call for the decision of that House. The right hon. Baronet the Member for Tamworth had blamed the Government for not providing for what had happened in the first instance. He would not stop, then, to vindicate the Government, but he would say that advantage had been gained by the delay, because the receipt of further intelligence had rendered that which had been obscure before plain and intelligible. The whole of the papers connected with the matter had been laid on the table and fully considered, and, when all this had been done, it was, he must say, a little too much to ask for further delay. The hon. Gentleman was aware that this was not the first occasion when the affairs of Canada had been discussed, and that he and his friends had expressed their opinions freely on the subject at the late meeting at the Crown and Anchor. Under such circumstances, it was a little too much to say now that they were unable to answer his speech—and therefore he should persist in calling for the decision of the House on the hon. Gentleman's motion, concluding, of course, that those who should vote for the adjournment meant to give a negative to the Address.

Mr. *Warburton* thought that, considering the momentous nature of the subject, and the consequences which might result from their decision, that a fair opportunity ought to be given to every hon. Member who wished to speak, to deliver his sentiments upon it. There were, he believed many Members who had not spoken who wished to address the House, and he thought they ought to be allowed to deliver their sentiments. He did not mean to say that by agreeing to the address they would pledge themselves to maintain the authority of her Majesty in the Canadas, whether right or wrong, but he did mean to say that if they concurred in such a motion it would be impossible for them to refuse their assent to the estimate when it was brought forward for an increased vote of money, and placing an additional burthen on the people. Before, therefore, they came to a vote, they should well weigh all the consequences of that vote; and, for his own part, he could not help thinking that they were dealing too hastily with the matter. What they asked for was delay until to-morrow, and as no evil could arise from such delay, there being no possibility of sending a military force to Canada at present, he thought the noble Lord ought to consent to the adjournment of the debate.

Mr. *D. Browne* said, that although he intended to vote for the Address without going into the abstract merits of that part of the plan relating to the suspending of the Canadian Constitution, he still considered the adjournment of the debate for a few hours so reasonable a proposition that he should support it. They should consider the great risk that was involved in the question, and the amount of treasure and blood which might be fruitlessly expended by an over-hasty decision. He thought the noble Lord should be willing to allow the friends of the Canadian people to defend them if they could, rather than take an unfair advantage of them.

Mr. *Darby* must protest against the doctrine laid down by the noble Lord, that those who should support the motion for adjourning the debate, intended to negative the Address. Now he for one was ready to vote for the Address, and, although he should do so, he could see no inconsistency in his also supporting the motion for the adjournment of the debate.

Mr. *S. O'Brien* said that he meant to vote for the adjournment of the debate, but he begged it to be understood that in doing so he did not pledge himself not to vote for the Address.

The House divided on the question of adjournment:—Ayes 28: Noes 188:—Majority 160.

Address agreed to.

List of the Ayes.

Baines, Edward
Brotherton, J.
Browne, R. D.
Butler, hon P.
Currie, Raikes
Darby, G.
Dennistoun, J.
Eliot, Lord
Finch, F.
Forester, hon. G.
Gillon, Wm. Down
Goddard, A.
Grote, G.
Hall, B.
Hindley, C.
Hodges, T. L.
Marton, G.
Molesworth, Sir W.
O'Brien, W. S.
Praed, Winthrop M.
Scarlett, hon. R.
Somerville, Sir W.
Stewart, J.
Thornley, Thomas
Vigors, N. A.
Villiers, C. P.
Wakley, T.
Warburton, H.

TELLERS.

Leader, J. T.
Hume, J.

List of the Noes.

Acland, Sir T.
Acland, Thos. D.
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alford, Viscount
Alsager, Capt.
Alston, Rowland
Arbuthnot, hon. H.
Ashley, Lord
Attwood, W.
Bagge, W.
Bagot, hon. W.
Baillie, H. D.
Baring, F. T.
Barrington, Viscount
Belfast, Earl of
Bentinck, Lord G.
Berkeley, hon. H.
Bernal, R.
Blackstone, W. S.
Blake, W. J.
Blennerhasset, A.
Bolling, W.
Borthwick, P.
Bowes, John
Bradshaw, J.
Bramston, T. W.
Brodie, W. B.
Bruges, W. H. L.
Buller, C.
Bulwer, Edw. L.
Burdett, Sir Francis
Campbell, Sir J.
Canning, Sir S.
Cantalupe, Viscount
Castlereagh, Viscount
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chandos, Marq. of
Childers, J. W.
Clay, W.
Clayton, Sir W.
Collins, W.
Colquhoun, Sir.
Compton, H. C.
Corry, hon. H.
Cowper, hon. W. F.
Crawford, W.
Denison, W. J.
De Horsey, S. H.
D'Israeli, B.
Divett, E.
Duckworth, S.
Duke, Sir James
Dundas, Fred.
Dundass, Capt. D.
Easthope, J.
Eaton, R. J.
Elliott, hon. J. C.
Ellice, Capt. A.
Ellice, rt. hon. E.
Elice, E.
Ellis, J.
Evans, De Lacy
Farnham, E. B.
Fitzalan, Lord
Fleetwood, P. H.
Forbes, Wm.
Fort, John
Fremantle, Sir T.
Gibson, T.
Gladstone, W. E.
Gordon, Robert
Gordon, hon. Capt.
Goring, H. D.
Goulburn, rt. hon. H.
Granby, Marquess of
Greene, T.
Grey, Sir G.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W. G.
Heathcote, G. J.
Herbert, hon. S.
Hobhouse, Sir J.
Hobhouse, T. B.
Hogg, J. W.
Hope, G. W.
Hotham, Viscount
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hurst, R. H.
Inglis, Sir R. H.
James, W.
Jermyn, Earl of

Jolliffe, Sir W.
Jones, T.
Kinnaird, hon. A. F.
Knatchbull, Sir E.
Knight, H. G.
Labouchere, H.
Lambton, H.
Lascelles, hon. W. S.
Lennox, Lord A.
Lockhart, A. M.
Logan, H.
Lushington, C.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Macnamara, Major
Manners, Lord C.
Marshall, W.
Martin, J.
Maule, W. H.
Milnes, R. M.
Morpeth, Viscount
Muskett, G. A.
O'Ferrall, R. M.
Pakington, J. S.
Palmer, C. F.
Palmer, Robert
Palmerston, Viscount
Parker, J.
Parrott, J.
Pechell, Captain R.
Peel, rt. hon. Sir R.
Peel, Colonel J.
Pemberton, T.
Perceval, hon. G. J.
Planta, Joseph
Ponsonby, hon. J.
Poulter, J. S.
Pryme, G.
Ramsbottom, J.
Ramsay, Lord
Reid, Sir John Rae
Rice, right hon. T. S.
Richards, Richard
Rickford, W.
Rolfe, Sir R. M.
Rose, right hon. Sir G.
Round, C. G.
Round, John
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord C.
Salwey, Col.
Sandon, Viscount
Seymour, Lord
Sinclair, Sir G.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Style, Sir C.
Surrey, Earl of
Talfourd, Serjeant
Tancred, H. W.
Thomson, C. P.
Trevor, hon. G.
Troubridge, Sir. T.
Tuffnell, H.
Turner, E.
Vere, Sir C. B.
Villiers, Lord
Vivian, Sir R. H.
Welby, G. Earle
Wilde, Sergeant
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, T
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, G. F.
Young, J.

TELLERS.
Stanley, E. J.
Steuart, R.

HOUSE OF COMMONS,

Wednesday, January 17, 1838.

MINUTES.] Petitions presented. By Mr. GILLON, from Widthorn, by Mr. WAKLEY, from the inhabitants of Finsbury, by Mr. LEADER, from Lambeth, St. Margaret's and St. John's, Westminster, and from Newcastle-on-Tyne, by Mr. HALL, from Marylebone, in favour of Canada.

ANSWER TO THE ADDRESS.] Lord *J. Russell* appeared at the bar of the House, and announced that her Majesty, having been waited upon by privy councillors, who were Members of that House, with the Address of the House, had been pleased to return the following most gracious answer:—

"I thank you for the assurance that my faithful Commons will support my efforts for the suppression of revolt, and the restoration of tranquillity, in Lower Canada. The unfortunate events which have taken place in that province have given me deep concern, and I shall look forward with anxiety to the period when the re-establishment of order may enable me to lay the foundations of lasting peace and concord. The spirit which has been manifested by the loyal inhabitants of my Northern American provinces, and the exertions which they have made in support of my authority, demand my warmest acknowledgements."

AFFAIRS OF CANADA.] Lord *John Russell* said: Sir, I rise to ask for leave to bring in a Bill, of which I gave notice last night, to provide for the temporary government of Canada. As I have already explained the general purport of the Bill, and of the policy to be pursued under it, I do not think it necessary to enter at any length upon the subject at present. I will, however, shortly state the immediate object of this Bill, and of the instructions which will be given to the Governor-General who has just been appointed. The nature of the Bill is to enable the Governor-General and council—that council not to be limited in number, but of which five shall be a sufficient number to constitute a council—on the motion of the Governor-General, to pass any laws which may be considered necessary during the present suspension of the Legislature of that province. It may be necessary to pass laws, and to make provisions for temporary purposes, and for the maintenance of the civil authority in that province. It may be necessary also to pass temporary measures for other purposes. It is the intention of her Majesty's Government to confide these powers in the first instance to Sir J. Colborne, who at present administers the Government in the lower province of Canada, and in case it should be found necessary for him to resort to any extraordinary powers of legislation, in order to re-establish the authority of the Crown in that province, the power will be given to him by this Bill to do so. But immediately after the newly-appointed Governor-General arrives in the province, this power will become vested in him, and he will exercise it according to the provisions of the Bill which I now propose to introduce. With respect, therefore, to the measures which are necessary in order to re-establish tranquillity, besides those powers which confer the means of immediately putting an end to the present insurrection, there will also be given a power to the Governor-General if he should think fit, to grant a general amnesty in that province. With respect to the future Government of the province, it is the intention of her Majesty's Ministers that the Governor-General should be invested with a power to convene a certain number of persons, namely, three from the Legislative Councils of the upper and the lower province respectively, making six in all, and ten representatives from each of the provinces, making twenty representatives, to form a council to concert with the Governor-General as to the measures which may be deemed advisable for the adjustment of the affairs of the two provinces. This is a power which may be given by the prerogative of the Crown. With respect to the persons to be named from the Legislative Council, they will be chosen by the Governor-General. With respect to the persons who are to be convened having a representative character, those persons may, of course, be chosen from the Legislative Assembly, but as, in the case of Lower Canada, it is almost impossible that the Assembly can be brought to act beneficially, it will be competent to the Governor-General, both in the upper and lower province, to hold elections for persons, amounting to twenty in the whole, to concert with him upon the general state of affairs. Sir, as I said before, the object of this arrangement is, that in any future plan for the Government of these provinces, whatever may be done may be adopted, not wholly on the authority of the Imperial Parliament, or the Government of this county, nor wholly upon the authority of the Governor of the colony, but on the authority of the Parliament and Government of this country, with the advice and sanction of the council which it is proposed to form in the colony itself, persons who, being well aware of the peculiar circumstances of the provinces in which they reside, may be supposed to know best what are the remedies most likely to produce that which her Majesty has declared to be the desire which she has at heart—the lasting peace and welfare of the province. The noble Lord concluded by moving for leave to bring in the Bill.

Mr. *Ward* was anxious to make a few observations at the present early part of the debate, because, though he had attended the House last night at some personal inconvenience and suffering, he had failed to obtain an opportunity of expressing his sentiments, and had been obliged to go away without recording even his vote on this important subject. He was the more anxious to express his sentiments now, because he had opposed the resolutions proposed by Government last Session, which he had done, not only because he considered them arbitrary and unjust, but because also he thought they did not lead to any practical result. He had declared his opinion that those resolutions either went too far or not far enough, that they would tend to exasperate the feelings of the Canadians, without leading to any permanent settlement of the questions at issue. He thought that the result showed that he had not been wrong in that opinion. They had irritated the Canadians, and the dispute was just as far from a settlement as ever, whilst the province was left without any Government but that of military and arbitrary authority. He acknowledged, however, that this country was not alone responsible for these results. He deplored, as sincerely as any Gentleman in that House could, the rash and unjustifiable appeal which had been made by the liberal party to war, by which they had undoubtedly sacrificed the powerful aid of public opinion and sympathy, and which in this country most certainly, sooner or later, was sure to awake in favour of the weaker against the stronger party, whenever the former had justice on their side. All these advantages the Canadians had now sacrificed by their own reckless act, and the question now for this House to consider was, whether it was prepared to give up the possession, not only of the lower, but of the upper province of Canada, for the secession of the latter must in his opinion inevitably follow that of the former; or whether, on the other hand, it should accede at once to all the demands of Mr. Papineau and his party, or sift those demands calmly and dispassionately, granting such as were just, or whether we should insist that the existing insurrection should first be put an end to entirely before any redress should be given to grievances which really were proved to exist. He owned that if the Government plan had contemplated nothing but coercion, and a suspension of the constitution without any remedial measures, he should have opposed it as uncompromisingly as he now strongly and earnestly advocated the prudence of adopting, in all its parts, the plan submitted by the Government to the House. He believed that plan to be founded upon enlarged principles, combining justice to the Canadas with a due regard to the honour and rights of the Crown. He knew that objections were taken on the ground that it imposed upon us the necessity of suspending the constitution of 1791. Why, that constitution had been already repudiated and suspended by the Canadians themselves. From the moment that the Canadians appealed to the sword, it became evident that the only object they had in view in availing themselves of that constitution was to throw off the power of this country. At all the county meetings the strongest declarations had been made of the necessity for declaring perfect independence. In conjunction with these declarations a regular military organization had been going on through the province, the people were drilled by foreign officers, resolutions for throwing off the jurisdiction of British authorities were passed, and a new judicial system organised throughout the country in place of the magistrates appointed by the Queen's authority, whilst all who disapproved of these proceedings on the part of Mr. Papineau's party were obliged, by threats of violence to themselves and their property, to acquiesce in them. Under these circumstances he thought it would be preposterous to allow men, on the one hand, to plead a constitution which, on the other hand, they repudiated and rejected. The only question for the House now to consider was, what measures presented themselves as best calculated for the permanent settlement of these disputes, and he must say, that he could think of none which in his opinion were better calculated for that purpose than the measures which the noble Lord had stated to the House, and he would place a statesman of eminent and admitted ability at the head of affairs in Canada, armed with powers sufficient for the purpose, but with this salutary principle for his guidance, that those powers should not be used without a previous attempt to obtain the concurrence of those to whom the intended measures were to apply. He held the example which England set on the present occasion, of appointing a convention with a view to an amicable adjustment of differences between a colony and the mother country, to be one of the greatest moral triumphs ever achieved. On former occasions of this kind, the only argument appealed to was that of brute force and bloodshed. The only instance of the kind he believed on record, and that was not in the case of a dispute between a mother country and a colony, was in the case of the first constitution of the United States, which was soon found to give universal dissatisfaction, upon which, instead of dividing into separate communities, the States, in 1817, formed a convention for the consideration of their differences, and experience showed that that proceeding had led to satisfactory results. But, as between a colony and a mother country, he believed the present was the first instance in which the plan had been tried, and he thought that great praise was due to her Majesty's Government for proposing such a scheme to Parliament. He was not going to enter into a discussion of the principles upon which the future constitution of Canada should be settled, but he could not help pointing out to the House a very great difficulty which would have to be overcome in combating the prejudices of the French Canadians, who evidently wished to remain an independent and isolated people, distinct from their British fellow-subjects, amongst whom they lived, and in inducing them to acquiesce in any plan by which an identity of interests and a community of rights should be secured to them in common with the British settlers. He saw an hon. Friend of his shake his head at this, but he firmly believed that the disputes and difficulties which existed, had originated in great measure in the national prejudices and jealousies of the two branches of the community. He believed, also, that if the result of the provisions of the present Bill should lead to an union of the upper and lower provinces into one, it would produce the greatest benefit that could be conferred upon the colony. He could not think of leaving the two hostile parties to settle their differences by the sword; humanity and reason alike revolted against such a notion. The bloodshed which had already taken place was as nothing to what would occur in the course of the rash, rancorous, and uncompromising warfare which would devastate the country if no mediating authority were interposed between the hostile parties. An attempt to perpetuate the French Canadian people as an isolated race, consisting as they now did of 500,000 souls, must be regarded as perfectly impossible; whilst he believed that the best service they could render the French Canadians would be to give them a participation in British rights and institutions. The influence of party feeling was at present the bane of all classes in the Canadas. If the present contest were allowed to be carried on, he called upon the House to consider what must be the results of it. If the French party succeeded, the whole of the property of the British party would be confiscated, including that of the Land Company, which had already been declared by the French party to have been constituted by an illegal authority. On the other hand, if the English party were to triumph, the results would be for the French inhabitants spoliation and ruin, at which justice and feeling would equally revolt. It was his (Mr. Ward's) firm belief, that if the authority of the British Crown were once firmly established in the Canadas, the inhabitants might be left to exercise their own discretion and authority in the expenditure of their funds, with perfect security to the friendly connection between the colony and the mother country. He could not dismiss the subject without saying a few words on the subject of the Legislative Council, whose acts the noble Lord had taken upon himself to justify. He considered them not only wholly incompatible with the permanent good government of the colony, but also a direct inroad upon the old system of colonial government which had always been pursued by this country with respect to the old colonies of America (now the United States) for upwards of a century and a half. As an hon. Friend of his had said last night, these councils possessed all the most invidious features of an aristocracy, and them only—it was a sort of spurious House of Lords, creating bickerings, and quarrels, and party feelings, resulting in a distinction of interests between English or government interests and colonial interests. Almost every colony which England now possessed in North America had originally been conquered, and it was the practice of the British Government not to interfere in their internal concerns by the appointment of Legislative Councils. He hoped, therefore, that when the new council which the new governor-general was to convene came to discuss the affairs of Canada and to frame their report, the latter would not be found to recommend the permanency of the Legislative Council, and that this country, in considering that report, would consent to its being dispensed with for the future. In conclusion he begged again to express his entire confidence in the scheme of policy which her Majesty's Government had adopted, and in the Nobleman to whose hands its execution had been confided. If worked out in the spirit in which it had been commenced, he had no doubt it would lead to lasting and beneficial results.

Mr. *Warburton* said, that when he last addressed the House on this subject an hon. Friend of his had said, as a matter of reproach against him, that which he rather received as a compliment, that he came to the discussion of this subject with all the composure he would bring to the consideration of a bill relating to weights and measures. He could wish that all who approached the subject might be guided by the recommendation of the Minister of the Crown, at the time when those great debates arose on the disputes between Great Britain and her colonial possessions which now constitute the United States, and dismiss at once all bitterness of feeling. He was of opinion that, in order to obtain the best measure of justice for the Canadians, their friends ought to discuss the matter with the greatest possible coolness and moderation of tone. What he wished was to look at the positive state of the Canadas at present, and not retrospectively to what it had been. No one denied that grievances did exist, to which a remedy should be applied; but he did not see that any good could result in discussions like the present, in going back to canvass what amount of blame or praise was due to one party or the other in events which had already taken place. With regard to the insurgents themselves, he felt glad in believing that the insurrection was, he might say, put down. He must say, that if the insurrection was to be suppressed, it ought to be extinguished at the earliest possible period. If blood were to be spilled, the sooner such scenes of strife and exasperation ceased the more likely would it be to put an end to all the evils attendant upon a state of insurrection. He must be permitted to say, with regard to the course taken by Government in putting down this insurrection, that he did not—without meaning to use any irritating language—agree in the unqualified praise bestowed on the officers engaged in this unfortunate conflict. He was willing to give every praise to their gallantry which the Government or people of this country might be willing to accord; but he could not help seeing that there were some circumstances concerning which their conduct was not such as ought to be lauded. He understood that houses and barns had been burned during the attacks which were made by the military. He understood, too, that a rule was laid down in the dispatches, which directed that where the proceedings which should be taken, by which it was declared that all the houses from which the troops should be fired at should be destroyed, not at the moment of attack, but at a subsequent period when the troops should be in possession of the houses from which the opposition had proceeded. He did not know for what outrages this was considered a proper mode of retaliation; but he could not forget that in the former rebellion of the North American continent numbers were driven into a state of exasperation and open insurrection from the adoption of such practices. Without wishing to pour oil on the flames, he could not help stating, that the conduct of the officers employed in suppressing this insurrection, acting very likely from mistaken motives, and from a belief that by such acts they best promoted the public service, was rather too general and unmeasured. He should have been better pleased to see such acts condemned in the dispatches. He should be the last man to attempt to justify a recourse to arms on the part of the colonies; but let them look at the position in which those persons were placed, and the grievances of which they complained, and he was sure they would agree in the opinion that the Government was bound to make every allowance, and to render the amnesty as wide and extensive as possible. The people in that country had many grievances to complain of, one of which—the constitution of the Legislative Council—had been touched on by his hon. Friend (Mr. Ward), and there were many matters brought as charges against the Government. He did not mean to justify the language which the Canadians had held on all occasions, and yet he thought that much indulgence ought to be extended to them for the irritation which they exhibited on some subjects. There were, for example, the allegations which they made with respect to the Land Company. He was not disposed to deny the benefit which might be conferred on the colony by the introduction of foreign capital, but he must nevertheless say, that the feeling of jealousy which was entertained, was very natural when the people saw a great corporation of this kind put in possession of such extensive powers, particularly with regard to the purchase of land. Now, really, if they looked to the manner in which the mother country acted with regard to corporations having extensive possessions in land, the complaints of the Canadians on this head were not to be wondered at. Was there a single Act by which a body was incorporated in which their power of possessing land was not limited by the terms of the statute? Did not the charter by which such a grant was made, state the exact amount of land which the corporation was entitled to hold? Suppose a proposition was made in that House that the landed property of the Crown should be sold, would they approve of erecting a corporation to purchase and hold all the Crown land, and transferring the great capital of the Crown property to such a corporation? Would they not take care that if the Crown property were to be sold, it should be done in such a manner as that the corporations should be allowed to purchase only to the amount of their existing charters, and that the property should be divided amongst the great mass of the purchasers? He did not mean to say that the situation of the mother country and the colony was the same, but he only stated this as some excuse for the party whose conduct they were discussing; and he urged the jealousy of the mother country with regard to grants of land to corporations as some justification of the course pursued by those who were opposed to the Land Company in America, holding land to an extraordinary extent. It should be recollected, that this Land Company not only became possessed of certain lands, of which a sale had been made in the first instance, and, having improved them, continued to exercise the rights of property over them; but having disposed of certain portions of this territory, and other new lands being brought to the hammer since their charter was granted, this company entered the lists as competitors for the purchase of them. It appeared, then, that there was no boundary to the domain over which this company might exercise its influence, and no chance of its property being limited within any given period of time. In this contest there was not only the insurgent party to be considered, but that of the Gentlemen who, in the year 1828, were among the foremost to petition that House for the removal of grievances, but who had not taken a part with Mr. Papineau, and the more ardent Reformers. Now, as there was a liberal party which remained attached to the Crown, and took no share in the insurrection, the honour and feelings of that portion of the inhabitants ought above all things to be consulted. And if there was anything in the course about to be taken, of which he was especially doubtful, it was whether the Government ought entirely to suspend the constitution of 1791, and thus cast a slur on that party whose cordial support they had received. In the year 1828 they were petitioners for the redress of grievances, and they continued attached until a late period to the individuals who now took a more violent course, because their former peaceful proceedings had failed of success. If it were now proposed to suspend altogether the constitution, he put it to the House whether they would not estrange from the British Government that moderate but liberal party, of which he believed that great numbers existed in Canada at the present moment. He begged to remind the House that in determining this question, it ought not to look at Canada precisely in the light of a mere colony. They were to recollect that the title which this country gained over Lower Canada was acquired by the treaty of 1763. By that they granted to the inhabitants of Lower Canada all the privileges and immunities which any individuals or corporation were at that time entitled to in the colony. He did not mean to include among them any of the privileges and immunities granted by acts of the Legislature at a later period; but the speech of the noble Lord dwelt on various conditions and statements with respect to the independence of Lower Canada, growing out of race and religion. He did not intend to assert that it was the intention of Government to invade the privileges guaranteed by the capitulation of 1763, and he only referred to the event for the purpose of enforcing on the Government the necessity of keeping faith with the French Canadians, and of taking care that none of their privileges and immunities were overturned by any constitution which was granted them. He could not help thinking that injustice was done to the popular party by the stress which was laid on the supposed demand of the Canadians for the perpetuation of feudal rights. Why, if he could depend on anything relating to the popular party in Canada, he felt persuaded that the French Canadians were most anxious to commute their seigneurial rights — to the full as anxious as the British party was—provided they could do so on such terms as would be advantageous to the whole colony. He felt it, therefore, to be due to them to state, that they had been among the foremost to make such a proposition. He believed they were even prepared to introduce a Bill into the House of Assembly for the commutation of these seigneurial rights, if any encouragement had been given to such a proposal by the Legislative Council which then existed. The course which he advised his hon. Friends to take, in consequence of the declarations of the Government in favour of an amnesty, and in order that they might observe not only calmness and moderation, but the utmost appearance of a calm and deliberate spirit in receiving the propositions of her Majesty's Government was, not to divide against the Bill, but to allow it to be introduced and read a first time, and then, after its provisions had been considered, have it read a second time on Monday next. He had risen on the present occasion, not for the purpose of stating all his views on this subject, but to correct some misrepresentations which he thought had been made with respect to the sentiments which he expressed when the first of these discussions on the affairs of Canada had taken place. The advice which he then gave, and which he was now prepared to give to her Majesty's Government on the subject of colonial affairs in North America, supposing that the revolt was so extensive that there were no hopes of putting it down without a disastrous and exterminating war (which he was happy to say was not the case), amounted to this, that they ought to emancipate the colony. He should not now go fully into the discussion of the reasons which induced him to give that advice, because he had particularly adverted to them in the last discussion which had taken place, and because he was prepared to resume them fully on Monday. But admitting—which he was happy to think was most probably the case—that this revolt was not wide spread, and that her Majesty's Government, with the aid of the troops and of the well-disposed in the colonies, would succeed in putting the insurrection down, and thus give a breathing time to consider what measures it would be most expedient to take under the circumstances, the advice which he was still ready to give was to emancipate the colony. In saying this he did not mean to justify the conduct imputed by the right hon. Member for Tamworth to the advocates of such an opinion. It was not because he found insurrection there, as it might break out in the Isle of Wight or in any part of Ireland, that he was for that reason ready to say, "Liberate yourselves, and separate from the mother country." No; it was because he believed it to be expedient and useful both to the mother country and the colony, not on a short-sighted money view of the question, but on the broadest, most national, and imperial consideration of it, that he was ready to sanction the adoption of that course. One of the evils resulting from the course which had been taken was, that such a feeling of disaffection had arisen towards the mother country as must drive the Canadians into revolt, and induce them to become a part and province of the United States; or, if they did not join the United States, such a feeling of interest would be excited in favour of the colonists that a party in the United States would be prepared to support them in their insurrection. Such a feeling of disaffection would unite the Canadians much more strongly to the United States than any course taken by the colonists alone could effect. He must say, that from the observations which had been made at both sides of the House, it seemed to him to be admitted that, when a colony came to its strength and manhood, the inevitable consequence of our colonial system must be to have such a colony emancipated. The noble Lord (Lord John Russell) seemed to doubt as to whether that time had arrived in the present instance. If the noble Lord were to look to the history of the United States—if he were to contemplate the feelings of affection which prevailed previous to the year 1763—if he were to consider the support which the mother country had obtained from that people in the war against the French Canadians, and observed how short a time elapsed between the manifestation of such good feeling and the commencement of the troubles which terminated with the war of 1774, the noble Lord must be convinced how very necessary it was, not to be driven to consider the emancipation of a colony when the demands were so urgent that they could be no longer resisted, but that as a wise statesman he ought to watch the progress of the colonies towards independence, and, foreseeing that the period of emancipation could not be far remote, take such measures as must render it likely that, when that event did occur, it would be attended with the smallest quantity of evil, and the greatest good to the mother country. However disposed he was to admire the form of government and the wisdom of the United States, yet he must say, that if there was anything of which every state in the world ought to be apprehensive it was this—that a country, whether its form of government were monarchy, aristocracy, or democracy, should arise so powerful as to afford a just cause of apprehension on account of its strength and greatness to the rest of the world. He, therefore, thought that what ought to constitute the consideration of every statesman was that—seeing that emancipation was as natural an event in the history of the colonies as death to an individual—the aim of the Government should be directed to making the separation in such a manner that all these colonies, comprising New Brunswick and Nova Scotia, should not fall separately into the possession of their great neighbour, but should be constituted as northern and free states, to act as a counterpoise to what might be considered the tendency of the United States to become an overgrown power, were it to comprise the whole of the colonies of North America. He hoped, then, that measures would be taken by the Government which might lead to a friendly and amicable separation at no very distant period, and thus unite all these colonies into an independent confederation, collected together for the purpose of balancing the enormous power of the North American states. It appeared to him that the ground on which the irresponsibility of the council was resisted was worthy of consideration. For what reason were the three gentlemen belonging to the popular party whom Sir F. Head proposed to call to the council not attached to that body? The question of disagreement was as to whether they should be considered irresponsible Ministers. They declared, that if the Legislature considered the governor irresponsible, they must not be considered as sharing that irresponsibility. If the connexion between Canada and the mother country was to be dissolved, he held it was the duty of Government to lead the people of the colony by degrees from a state of dependence to one of independence, and that this should be the sole principle of legislation in respect to them. In conclusion, he hoped that the measures about to be adopted would embrace not only the Canadas, but Nova Scotia and New Brunswick; and that they might speedily have the elements for that great confederation which he hoped, at no distant period, to see established throughout the present British colonies of North America.

Mr. *Cayley* was one of those who adopted upon this question, a view not wholly in accordance with the opinions which had been generally expressed by the different speakers upon either side of the House. He dissented, however, more materially from those speakers who were disconnected with her Majesty's Government. He must say that he felt it to be his duty, having entered upon the consideration of this subject in a calm and dispassionate temper, to do her Majesty's Government the justice of awarding to it the humble meed of his praise and approbation of its conduct in connexion with this question. The hon. Member for Kilkenny, in the course of the observations which he had addressed to the House on the previous evening, had inveighed loudly against the shedding of human blood. For his part, he was as averse to the shedding of blood as any human being could be; but it appeared to him, that the very object of the Government, as unfolded in the speech of the noble Lord, the Secretary for the Home Department, was to prevent the useless shedding of blood; for if vigorous measures were not in the first instance adopted, the war would most probably become one of extermination. The hon. Member for Kilkenny had also said to them "Conciliate." Now, he would ask whether they had not already conciliated as far as in them lay, and whether measures of redress had not been adopted for every real and not merely imaginary grievance? Had not the Committee of 1828 gone into a detail of every alleged grievance with the most honest intentions, and made an equally honest report? What, he would ask, was the state of affairs in Lower Canada, so far as the British settlers were concerned, and what would be the result of their desertion by the parent country? Why, the whole of the shares in the canal companies, as well as in the banking and railway companies, were in the hands of British settlers; and there was only one instance within his knowledge, in which Frenchmen had associated to form any one of those companies in Lower Canada. And here he might observe how very different was the tone and temper, as well as the language, employed by the hon. Member for Kilkenny last night from that which he had employed when last he addressed the House upon this subject. Upon the former occasion, he and the other hon. Members who had concurred in his view of the question had almost exhausted the vocabulary of abuse. But it appeared to him that the hon. Member had, on the previous evening, adopted a totally altered tone. He believed that the secret of this change would be found in the fact that the feeling of the country had been very distinctly ascertained upon this subject, and ascertained to be at variance with the hon. Member's sentiments. The hon. Member for Leeds (Sir W. Molesworth) had put forth a manifesto inviting his constituents to make a display of their feelings in reference to Canadian affairs. This manifesto had drawn forth an able and temperate article in a newspaper (the *Leeds Mercury*) with which the other hon. Member for Leeds was connected. A meeting was shortly after held in that important manufacturing town, at which it was worthy of remark, that not one of the hon. Baronet's constituents attended. The meeting, however, was considered as a response to the appeal of the hon. Baronet, and the language employed by most of the speakers at that meeting was certainly of the most absurd and extravagant nature. "The only resistance," said these speakers, "which should be employed in these days, is that of physical force, and if you can't carry fire-arms, you should carry daggers." It was quite obvious, that language of this description would produce no effect whatever in this country. In reference to the conduct of the militia officers in Lower Canada, it was impossible for the Government to have acted otherwise than they had done. Those officers had attended the meetings which had followed their dismissal by the governor, and where they had been elected, in defiance of the civil authority, by the people. It was after the dismissal of those officers, and after those meetings had taken place, that the outrages had broken out. When the civil authorities attempted to seize some of the leaders and instigators of the insurrection, they met with the most formidable resistance; their prisoners were forcibly rescued, and it was only when the civil power was thus defied that the military was called out. It was said that the Government had acted improperly in not having a larger force in the Canadas at the time the insurrection broke out; but he thought such an opinion was not well founded, and he conceived that the issue had proved the wisdom of the policy which had been pursued by the Government. In none of the despatches, either from Lord Gosford or from Sir John Colborne, was there any complaint of a deficiency of military force, and Sir John Colborne distinctly stated that he had made such dispositions of the force under his command, as to leave him in no doubt as to the result of the contest. It was further said, that the Government had resisted the just wishes of the Canadian people, but every effort had been made to redress the grievances of which they complained, and every attempt at conciliation had been refused, and the Assembly would listen to no terms for the adjustment of the disputes which had arisen. It appeared to him that the gentlemen who were the leaders of the popular party in Lower Canada did not know at what point to stop in their opposition to the Government, and their conduct proved, in his opinion, that the redress of real grievances was not the object they had in view, and that their aim was, in fact, the total separation of the colony from the mother country. Since the appointment of the Committee of 1828 there had been a steady disposition on the part of every Government to improve the condition of the people of Lower Canada; and the people of that colony had expressed their approbation of, and confidence in, the labours of that Committee, and their confidence also that the Government would fully carry out the recommendations contained in the report. When such was the feeling in Canada at that time, he wished to know what had taken place since that period to justify the measures which had been adopted by the popular leaders. He firmly believed that redress of grievances was not the object those persons had in view, and that the greater the disposition to conciliation on the part of the Government, and the more the redress of grievances was effected, the louder would be the complaints of the leaders of the popular party in Canada. But he did not believe that the people of Canada, as a body, were favourable to the views of M. Papineau, notwithstanding what had been said to the contrary at a recent meeting. The views of the leader of the Assembly were not confined to the removal of grievances, but evidently were directed to separation, and to the total independence of the mother country; and he was persuaded that the body of the people of Canada had no wish for separation, but that they were, on the contrary, warmly attached to this country. The real grievance with the leaders of the popular party was, in his opinion, the great increase of British emigrants, and the growing strength of the British party. That was the true cause of complaint, in his opinion, and it was one in which he was sure the body of the people would not join. It had been argued that the time for separation had arrived, and that the Government ought to take steps for dissolving the connexion which existed between the countries. If the time for effecting a separation had really arrived, then he fully agreed with the Member for Bridport that the object of the Government ought to be to effect that separation in such a way as to secure for this country all the advantages to be derived from a friendly intercourse with the people of Canada. But if they would look at the proportion of the British to the French population, and if they took into consideration the fact that almost the whole of the British settlers were in favour of British connexion, then in his opinion they must conclude that the time for separation had not yet arrived. The Canadas were not yet able to maintain themselves, and if they were separated from this country, the only effect of such a step would be to throw them into the hands of some other power, and thus lose all the advantages which we at present derived from the connexion existing between the mother country and the colony. The hon. Member for Bridport had expressed a hope that all our colonies in North America would be formed into one federal union; and he sincerely wished that Nova Scotia, New Brunswick, and Canada would be formed into one union, but he wished also to maintain the connexion betwixt those colonies and the mother country, as that connexion was productive of the most beneficial results both to the colonists and to Britain.

Mr. *Gillon* was anxious to say a few words on the subject which had been introduced by the noble Lord last evening. He did not often trouble the House, nor would he detain them long on this occasion. He should endeavour to follow the recommendation of the hon. Member for Bridport and speak on the matter without the slightest mixture of asperity or passion, and should not be led even by the injudicious observations of the hon. Member for Yorkshire to depart from that line. The reason that the hon. Member had assigned why the Canadians should be contented was the most extraordinary he had ever heard put forward amongst rational beings. That hon. Member said, that the Canadians ought to be contented under their grievances because the state of things at home was no better. That was a ridiculous assertion. He had yet to learn that bad Government at home justified an equally bad system abroad. Neither could he join in the hon. Member's eulogium on our colonial system. That hon. Member stated, that the Canadian grievances of 1828 had all been redressed; this was news to him, and he believed to most Members of that House. The grievances had been acknowledged, but the redress had not been granted. The Canadians had gone on petitioning the House in the most patient manner, and if their demands had increased with the protracted denial of justice it was only the legitimate consequence of the conduct of Government and of that House. No one could regret more than he did the unfortunate events which had just taken place. He regretted as deeply the line of conduct which had been adopted by some individuals. He did not think that neglect, or even aggression, justified men in engaging in civil war. No one deprecated civil war more than he did; but if such took place—if the authority of Government were insulted—if the integrity of the empire were put in jeopardy—it was owing to the resolutions which had been passed last Session. The control of the revenues was guaranteed to the House of Assembly, and again confirmed by the Act of 1831. By this they were empowered to stop the supplies when the grievances of which they complained remained unredressed. If the English House of Commons exercised the same privilege, would any Minister come forward to propose the suspension of the Constitution? No; no such desperate remedy would be resorted to; and why? Because England was known to be strong, and Canada was supposed to be weak. The resolution of the last Session was a breach of the contract entered into between this country and Canada, and though they might not warrant, they palliated the insurrection. Much had been said of the excitement which had been created by factious demagogues, but when the majority of the people complained for a long series of years of grievances unredressed it was vain to attribute what had taken place to factious demagogues. As well might the same be said of Ireland; and yet if the hon. and learned Member for Dublin were to close his days to-morrow would it be believed, that the power which he had used with such beneficial results would die with him? No—fresh O'Connells would arise, and, until the grievances of the country were redressed, would exercise a similar power. It had been said the greater portion of the Canadians were loyal; if so, where was the necessity of going so far as to abrogate the constitution? He was glad, however, to hear, that the Earl of Durham was about to be sent out to Canada. He had no words adequate to express his admiration of that Nobleman, and he was sure it was as fully shared by the country. His name was a rallying point for freedom, and no wiser selection could have been made to adjust the jarring councils of the colony; but then it was to be feared, that, whilst he went out with words of peace and conciliation, yet in reality he carried with him measures to suspend the constitution, and set aside the House of Assembly. He would not be able to carry his benignant intention into effect; and, instead of the respect which his conduct would be calculated to conciliate, the noble Lord would be looked upon with jealousy and suspicion. It was his intention on coming down to the House to oppose any proposition for suspending the constitution of Canada, but, from the power of amnesty which was proposed to be given, and the conciliatory tone of the noble Lord's Address, he felt inclined to follow the advice of the hon. Member for Bridport, and would not press his opposition to a division, reserving to himself, however, a power of resisting the Bill in any of its details.

Mr. *Borthwick*, in voting with Ministers on this occasion, begged not to be understood as sanctioning, much less praising, their colonial policy as respected Canada; on the contrary, he protested against that policy. He would not say, that Ministers conducted the affairs of Canada in such a way as to sanction rebellion, but he would at the same time insist, that they had not taken the necessary means to prevent it. They were inexcusable in not having a sufficient military force in the colony to put down the insurrection at its first outbreak. They were the more inexcusable on this point inasmuch as they had been forewarned by an hon. Gentleman not now in the House, that no sooner would the 8th Resolution be promulgated in Canada than a rebellion would instantly break out. This statement was made distinctly, unequivocally, and in a manner which could not be mistaken. Ministers heard it stated in that House, and stated in a manner likely to render the prophecy fulfilled, that insurrection would take place as soon as the winter froze up the passages of the St. Lawrence, so as to prevent the landing of the troops. This question could not be viewed as an isolated case. It was connected with other matters, which the House would do well to take into its consideration. The hon. Member for Bridport recommended reconciliation and charity towards Canada. Was that a time for conciliation—was that a time for the interposition of charity between the Crown and the subject, when the subjects were arrayed in open rebellion? It had been argued, that there was no sympathy with the Canadian rebels in this country. Did the late meeting at the Crown and Anchor warrant this assumption? What was the language held there—what were the appeals there made to the sympathies of the British public? He held in his hand part of the report of those proceedings, over which a Member of this House, a subject of the empire, the hon. Member for Kilkenny presided. What was the language used at that meeting? One speaker concluded with a motto, which he said he would have inscribed on every Canadian banner—

"In freedom let Canadians live,
And brave the death which tyrants give."

Was that conciliation? Was there no sympathy in that? Another hon. and gallant gentleman, not now a Member of the House, declared himself rejoiced to hear that there was a disastrous civil war raging in Canada. Why, in that very speech the hon. and gallant gentleman had himself been guilty of treason. The hon. and gallant gentleman went still further. "He would refer them," he said, to the history of this country. Did they ask what page in that history? They would hear of it somewhere about Whitehall. There was a glorious scene of substantial justice once enacted in that neighbourhood, which had been said to give a crick in the neck of every Monarch at least once a-year." Was this no appeal to the passions? Was this no treason? If it did not bear that construction what would the law officers of the Crown say to the sentence which followed? "That is the precedent to which I would refer you. Is it policy or is it wisdom, to force us again to appeal to it?" Was it possible that a precedent for taking away the life of her Majesty would be thus freely spoken of in the heart of the metropolis by a citizen of London, and yet that the person who uttered it should still remain uncalled to an account by the law officers of the Crown in that House? Did we live in so insecure a state of society? Was the seat of empire held by so slight a tenure that treason so palpable could dare to be uttered in the presence of a British asembly, over which the hon. Member for Kilkenny presided? Was the rebellion in Canada, he would ask, unconnected with the state of things in this country? Was there nothing significant in the manner of the hon. Member for Bridport, who, in the same style and tone in which he would speak on the subject of weights and measures, spoke of the rebel Canadians as ardent reformers? Was the ardour for reform which thus evinced itself in Canada of a nature similar to that which existed here? Was there nothing significant in what had fallen from the hon. Member who last addressed the House, and who, it would be admitted, spoke in a tone of more moderation than those others who sided with him upon the question — was there nothing significant in his saying, that, if the hon. Member for Dublin were dead, a hundred O'Connells would start up to fill his place? Wherefore was it that Ireland was thus linked with Canada? Was O'Connell to be considered another Papineau? If not—if he who was so closely connected with those who held high places in Downing-street was not to be considered in this light—why mix up the state of Ireland with that of Canada, and thus insinuate the reference to Papineau and his rebel associates? The charge which he made against Ministers was, that they had not acted with firmness in maintaining the integrity of the empire against the worse than Bœotianly-stupid philosophy of modern days. The hon. Member for Bridport had argued that a colony must in time separate from the mother country as a man must die; and—mark the philosophical *ergo*—when they take up arms, the mother country must accede to their demands. Then, forsooth, the mother country, which gave the colony birth, and afforded her unexpensive and untaxed protection, must lose all hold! It had been argued that Canada endured practical grievances which pressed heavily upon the colony. From the first time he entered into the House until the present moment, he had heard much declamation on this point, but he never heard the assertion substantiated in any one instance. What were the grievances now complained of, in unison with the rebellion of Canada? Did they affect the safety of person or property? Were the changes looked for such as were likely to promote any practical good? No, it was a mere speculative matter. The Canadians said, "We do not like the fashion of your constitution, so we will have a constitution of our own." The question was not a practical one, it was a mere abstraction, which the Canadian rebels felt themselves warranted in supporting by an appeal to arms; Ministers, however, might thank themselves for this state of things. Not, however, because of the resolutions which were passed last year—not because of any firmness which they had exhibited on the occasion—but because of the encouragement which, in this country, they afforded to those whose intentions were treasonable. It had been asked whether Canada was worth what she cost us, and why we did not separate in a cordial manner. There were two reasons. First, this was not the time for separation, nor could any demands be granted until those who made them petitioned in the attitude of subjects. Next, the question was not now one of advantage—it was not whether the benefits to be derived from the navigation of the St. Lawrence would repay the expense—but whether Great Britain was or was not to be bearded with impunity by a colony —or whether any section of her subjects, whether in the colonies or at home, should present their petitions at the cannon's mouth. If the question was one of national policy, let the doctrine of separation be mooted at the proper time. For his own part, he was one of those old-fashioned politicians who thought "Ships, Colonies, and Commerce" was the true motto of English policy, and he would add to instead of diminishing our colonies if it were in his power. This, however, was not the question, but whether any citizens could make the demand for separation at the cannon's mouth. He would vote with the noble Lord, in the hope that the measure which he would introduce might reduce the rebels to subjection; but, he would accompany that vote with a distinct opinion that it was not owing to the energy of factious demagogues or to the spirit of discontent in Canada, that the present state of things was owing, but to the utter imbecility and the vacillating weakness with which the reins of our colonial policy had been held for the last four years. If the right hon. Baronet, the Member for Tamworth, had been still in power, and if Lord Amherst had been sent out to Canada, there was not a man in the House would have the hardihood to say that the present crisis would have arisen. Government ought to bring to trial and to punishment those who fomented the rebellion. He would not go into the merits of the measure about to be submitted to the House, as more ample opportunity would be afforded hereafter. He would, however, warn the Ministry—he would warn the House—he would warn the country, that rebellion was not confined to Canada. It had developed itself also in London, though not with the same helmet-head as it exhibited in the colony.

Either the life of the Queen was threatened at the late meeting of the Crown and Anchor, or there were infamous misrepresentations made in the newspapers. If the gallant Gentleman uttered what was reported for him, and that the Law Officers did not take the matter up, they were aiding and abetting high treason. He cared not for the consequences of his assertion. In the presence of God—in the presence of that House, such was his conscientious conviction; and if the gallant Gentleman had not used the words, the proprietors of the newspapers ought to be brought to trial for high treason.

Mr. *Dillon Browne* would not follow the histrionic speech of the hon. Member, nor would he argue the judiciousness of sending either the hon. Member for Kilkenny or Colonel Thompson to the Tower; nor would he institute a comparison between the hon. Member for Dublin and Mr. Papineau—he thought, indeed, that there was an essential difference between them, one advocating a physical and the other a moral agitation—but he would try to adhere to the subject matter of debate. He rose with reluctance to address the House, and should not have done so, only fearing, as the Irish Members had taken little part in the debates regarding Canada, that it might be supposed they were apathetic respecting the interests of that colony, and did not sympathise in the sufferings of its people. The simple circumstance of his being an Irishman was a sufficient excuse for addressing them, for, on account of a sad association in misfortune, Ireland and Canada had been placed in a companionship. Similar, if not identical, grievances harassed and humbled them together. They knelt together before the same bar of British justice; they had been dismissed together with contumely and insult; and now, when they appeared again to seek their just rights, though not in the same companionship of humility, though not in the same attitude of prayer—Ireland in that of supplication, Canada in armour—it must be excusable in even the humblest representative of the Irish people to express his sentiments in a debate which so deeply involved the fortunes of those who were fellow-sufferers with his countrymen, and to take an interest in the struggle, in which their rulers might be taught a lesson which wisdom learned from experience might induce them to apply to his country. He hoped the hon. Member for Dublin would denounce the resolutions as contrary to the great principle of civil and religious liberty which he had ever advocated, and that the hon. Member for Tipperary would prove, upon this occasion, that his estimate of justice was not measured by local prejudices and party antipathies, and that he did not wish that it should be limited to the boundaries of Ireland alone. The case of the two countries was nearly identical: in both there was a "monopolising miserable minority," and in both a powerful party in that House ready to pander to their wishes. Canada was in the worst position, for while Ireland had only to contend with hon. Gentlemen opposite, Canada had opposed to it the powerful force produced by the unnatural alliance of those Tories who were the avowed enemies, and those Whigs who were the avowed champions of reform. He always regarded an union between Whigs and Tories with much distrust, for then he apprehended some powerful resistance to the wishes of the people, if not some violent encroachment on public liberty. The Whigs were willing to allow the people to remain as they were, but it was always provided that it did not prejudice the aristocracy. They would even permit them to advance a little, provided always they gave the aristocracy an opportunity to overtake them. But the moment the people endeavoured to maintain a position from which they could not be dislodged, the moment they wished to raise between themselves and the aristocracy a barrier which the latter could not overleap, that moment the Whigs became Tories, and the people were the common enemy. He considered the conduct of her Majesty's Government with respect to Canada was unwise, unconstitutional, and timid withal. It was unwise, because contrary to the opinions of all great statesmen: it endeavoured to govern a colony on the principle of coercion. It was obviously unconstitutional, because the resolutions of the noble Lord invaded the constitution of 1791; and it was timid, because, while it had popularity for its immediate object and oppression for its end, it had not the firmness of purpose to pursue the one or enforce the other. What the people of England must consider in this war, for war it would be if the sense of wrong continued, however the present efforts might be crushed, was this: first, if it were a just war; next, it being just, if it were likely to be attended with success; and lastly, if successful, if it were likely to confer on England a benefit commensurate with the blood and treasure it would cost? To ascertain if it were a just war, they must define what principles should direct the mother country in her guardianship of the colonies, for that was the proper term to express the relationship between them. For his part, he thought they should extend to the colony that liberal policy which would enable it as soon as possible to maintain its independence, and we should govern it with that grace which would induce it, when free, to seek a friendly intercourse with the parent state. When they did separate—for separate they must in the course of time, to repeat the opinion of the noble Lord, the Member for North Lancashire—let it not be by a sudden convulsion, dangerous and degrading to either the one or the other, but let it be by mutual arrangement, which would promote the interest and honour of both. From that principle they had obviously deviated; but lest the opinion that they should nurse a colony merely for independence should be too extreme, let them take the opinions of eminent statesmen, and reflect how they would have acted towards Canada. Sir James Mackintosh had stated "that a colony should have permission to conduct the whole of its internal affairs, compelling them to pay all the reasonable expenses of their government, and giving them at the same time a perfect control over the expenditure of the money;" and he further said, that "in the government of the colonies nothing is lost in yielding to the wishes of the people when expressed by their representatives." Mr. Fox said, "With regard to foreign colonies, he was of opinion, that the power of the Crown ought to be kept low; it was impossible to foresee what would be the state of a distant colony at a distant time. But in giving them a constitution, it was our duty as well as our interest to give them as much liberty as we could—to render them happy, flourishing, and as little dependent as possible; indeed, he thought the more despotic the constitution we gave a colony, the more we made it the interest of that colony to get rid of our constitution; and it was evident the American states had revolted, because they did not consider themselves sufficiently free." And in another place he said, applying himself immediately to Canada, that "he conceived the only means of retaining a distant colony with advantage was to enable it to govern itself." Now, he would ask, did not the resolutions of the noble Lord invade those principles of colonial legislation? Far from extending to Canada a more liberal policy than was extended to the British people, did not her Majesty's Government, in thrusting their hands into the Canadian chest, do what they dared not do in England? Bring the matter home; suppose the executive could last year have paid itself, what would have been the consequence? They would have had a Tory Administration; the King was, avowedly a Tory, and he would have called the Tories to his councils; but they were not sufficiently disinterested to obey the call, as the people would not pay them. Had the present Government, in refusing to grant to the people an elective Legislative Council, acted in accordance with the opinions of Sir J. Mackintosh and those other statesmen who told them to receive their principles of government from the recommendation of the people? They deviated from those opinions, and proved that no good arose from doing so. Their only argument was an obstinate adhesion to the constitution, not because it was a good, but because it was the old constitution. The noble Lord opposite had said, "How ill the Legislative Council had discharged their office they might judge from the papers before them: the Members of the Council, on every occasion, had enrolled themselves on the side of Government against the wishes of the people — they stood as an impotent screen between the Government and the people—they neither repelled the people on the one hand, nor the Government on the other. But while they enabled the one to keep up a war against the other, they were the means of a continued system of jarring and contention. This council was the worst of all the evils which had taken place in the administration here for the last fifteen years." That was the opinion of the noble Lord who now so warmly advocated the continuance of that council, and the usurpations of the executive. The only benefit that could be derived from oppression, was the moral instruction which it brought to posterity; for, as success must eventually attend the right, such acts of oppression, as procuring the triumph of liberty, while they held out a bright example to the people, taught at the same time a striking lesson to improvident monarchs and a reckless aristocracy; and when they viewed them through the vista of the past, and with the eye of memory, they stood as islands rising above the proper level of justice on which history had erected beacon lights to guide the giddy vessel of the state. He did not wish defeat to attend the arms of his Sovereign. He wished victory to crown them when directed against the natural enemies of the state and the sovereignty of England.

Mr. *Brotherton* said, it was not his intention to make more than a few observations. He should not have trespassed at all on the attention of the House, if it had not been for some observations which fell from the hon. Member for Evesham in his speech—a speech which, like other similar speeches, was calculated to do much mischief. It was a great and fearful responsibility in any Government to plunge itself into a civil war. It was much easier to get into a civil war than to get out of it. He was not disposed to give any sanction to the using of physical force towards Canada. He would ask, however, whether the Canadians had not grievances to complain of? It was easy to talk of putting down an insurrection. He wished, rather, that justice should be done, and when that was done, he could not bring himself to believe that a whole nation would commit suicide. If the insurrection were only partial, it would be easily put down—it would, in fact, sink of itself. They should consider that the insurrection, if partial, was already at an end; but if general, it would be very difficult to put a stop to it by physical force. He felt considerable embarrassment in voting for the suspension of the constitution which had been granted to the people of Lower Canada. He could not but remember his own feelings when the Irish Coercion Bill was passed. Being brought up with a reverence for the laws and constitution, he could not bring himself to destroy that constitution so granted for the benefit of a whole people, and not of a party. He thought it would, in the present instance, be more advisable for Government to pursue a conciliatory course. He approved of the selection of Lord Durham; that nobleman was one in whose judgment and discretion great confidence might be placed. He thought, however, that Lord Durham would go out under great disadvantages, if he were sent out accompanied by a coercion bill, and under the necessity of putting it in force. Public opinion would ever be found more efficacious than force, and measures of conciliation and forbearance would more effectually tranquillise the people of Canada, and would take a greater hold of their gratitude and affections, than the having recourse to violent and harsh proceedings.

Mr. *Lucas* would not have obtruded himself upon the attention of the House, if it had not been for the direct appeal made to the Irish Members by the hon. Member for Mayo. Knowing, that most of the Gentlemen from Ireland, on both sides of the House, were absent in attendance upon duties which they considered of greater moment, and such as would more fitly occupy their attention, he (Mr. Lucas) was unwilling to put himself forward; but as he happened to be present, he would answer the appeal of the hon. Member for Mayo on the only point which could be justly brought into consideration at the present moment, as indicating a community of interest or feeling between the people of Ireland and the people of Canada. For a long period—a period of nearly fifty years—a considerable emigration had been going on from Ireland to Canada, fostered and encouraged by the loyal and well-meaning residents in the latter country; sanctioned also and protected by the Legislature. Continuing for fifty years, and each year progressively increasing, that process of emigration had the effect of locating in Canada a large amount both of the population and capital of Ireland. Those who were disposed to emigrate, must necessarily have some capital, and all the Irish settlers in Canada, when they quitted their native country, either on account of political disasters or pecuniary deficiencies, still carried with them their capital, some more and some less. That capital was embarked in successful mercantile or agricultural speculations, and rested for its protection entirely on the faith of the British Government. They were peaceable, industrious, and loyal, attached to the British Government, and inclined to support it if the Government would support them. For the sake of his country and the Government, he (Mr. Lucas) raised his voice against any proposal for the relinquishment of those colonies in which his unfortunate countrymen were placed without protection. He protested against the attempts made on the part of the French population to encroach upon the rights of those well-disposed and industrious settlers.

Mr. *Clay* could not bring himself to give a silent vote upon this occasion. He could not forbear from expressing the very great pleasure which he felt at hearing the calm, temperate, and rational speech of his hon. Friend, the Member for Bridport, in recommending the proper course of policy to be pursued by this country towards Canada. At the same time, he could not help observing, that although his hon. Friend, the Member for Bridport, did not attempt to defend the conduct and measures of the insurgents in Lower Canada, still there was, he thought, a disposition to palliate the insurrection. It appeared to him to admit of little doubt, that the present insurrection in Canada was wholly without justification, without palliation, without excuse. All their grievances were likely to be redressed —all were in a fair, and reasonable, and probable course of adjustment, and they never wanted for the services of able and earnest advocates. He was of opinion that by a proper use of the privileges conferred upon them by their constitution, by a legitimate exercise of the power which a representative constitution had placed in their hands, by constitutional means, they might and would have succeeded in obtaining a redress of those grievances of which they complained, They had no right, however, to stop the supplies and throw the machinery of Government into disorder. They had no right to avail themselves of that power for the purpose of enforcing organic changes in the constitution of 1791. They should look at the nature of the compact between the colonies and the parent state. Upon that point he would observe, that there was no analogy whatever between the claim set up by the House of Assembly of Lower Canada to stop the supplies for the purpose of obtaining a constitutional object, and the legitimate and wise powers in that respect wielded by the Imperial Parliament. There was no second party to the compact in this country. There was no intermediate place of resort. There was a second party to the compact between the colonies and the parent state. He held that they had no right to avail themselves of that control over the revenue and power of allocation placed in their hands by the constitution for the purpose of endeavouring to force on an organic change. That power they appeared to him to have wholly and grossly abused in attempting to wrest from the governor and authorities of Canada demands and concessions which it was not in their power, even if they had been so inclined to grant. He was bound to say that it appeared to him, that in the conduct and outbreak of that insurrection there was neither wisdom of council nor boldness of selection; that the leaders did not appear to him to exhibit many of those qualifications which would induce one to suppose that they would make safe and prudent leaders of a great and independent nation. Though Lord Gosford, might have made a mistake in his administration of the affairs of the colony, yet it should be remembered it was a mistake on the right side. He might have been slow in his deliberations, but if he had erred, it was a noble error, and one which, in his opinion, was likely to find pardon and palliation from the representatives of the people. Of the taking possession of the funds raised by the taxation of the people he could not approve. He did not mean to say that taking possession of the funds in accordance with the resolutions, afforded any justification of the insurrection. With regard to the plan now proposed, he had great pleasure in stating that it met with his entire and perfect concurrence. It appeared to be the only one which could be taken with any prospect of success. In this country, at a distance, and with but a necessarily imperfect knowledge of the circumstances, it would be impossible to legislate with any prospect of success, or with the likelihood of a final and satisfactory adjustment. Besides, the feeling among the Canadians would not be in favour of any plan originating directly in this country. The present plan for redressing the grievances of the Canadian population appeared to him to be a wise, generous, and well-contrived plan. He did not entertain the same exalted opinion of the value of colonies with the hon. Member for Evesham. The hon. Member concluded by repeating his approval of the Ministerial plan.

Mr. *James* expressed his great satisfaction at the appointment of the Earl of Durham to the mission on which he was shortly to proceed. He felt persuaded that if any man could settle the unfortunate differences that now existed between the provinces of Canada and the mother country, that noble Lord, from his sound judgment and great talents, would succeed in that most desirable object. He fully concurred in the Ministerial proposition. The question would no doubt have assumed a totally different shape, if the whole of the North American provinces had been, like the great majority of Lower Canada, desirous of a separation; but, when he found that New Brunswick, Nova Scotia, and Upper Canada were all anxious to retain their connection with this country, that was a sufficient reason with him to oppose emancipating any of the American provinces from their present allegiance to the British Sovereign.

Sir *Hussey Vivian*, in answer to the allegation that the British troops had burned the houses of the Canadians, together with their inmates, begged to say, that there was no statement of any such circumstance having taken place, throughout the whole of the papers which had been laid before Parliament. It was true, a barn was destroyed by fire by the soldiers; but up to the present moment it did not appear that a single individual was in the barn at the time. When this question was discussed on a former occasion, he was sorry to hear it held forth as an argument for giving up the Canadian colonies, that, by possibility, the British soldiers would be induced, by improper motives, to quit their colours, and that they would look to the spoliation of the British settlers in Canada as an advantage that would compensate them for deserting their country. He (Sir Hussey Vivian) should like to know when British soldiers had ever been influenced by such base motives. It was perfectly well known that in the army in Canada great desertion took place. The habits and facilities afforded by the proximity of the United States and the advantages which were held out to the troops led to that desertion. He knew that during the time he was in Ireland, the dépôts there had to send out twice the number of troops every year to the Canadas that they had to any other part of the British dominions. But what was the fact now? Why, that of late years the troops had not deserted; and he would venture to say that when the troops should be called upon to do their duty to their country, so far from desertion, every man would be found to stand firm and hold fast by those colours, to which he was pledged equally by his honour and his oath. The hon. Member for Kilkenny had said that no preparations were made by the colonial government to anticipate and prevent the revolt, and that the people were driven to insurrection. Now, he would not trouble the House by going through the various dispatches that were before them, but he would, without quoting the passages, declare that they most satisfactorily proved that every preparation was made that the circumstances of the colony required. The hon. Member for Kilkenny had constantly stated in this House that he had foretold the revolt that had taken place in the Canadian provinces. He knew no man who had a greater right to foretel it than the hon. Gentleman himself. He recollected the letters of the hon. Member. He recollected also the speeches of the hon. Member. They all knew perfectly well the story of a person whose name was Martin, who foretold, that York cathedral would be burnt, and who then went and set it on fire; he really could not help thinking that the hon. Member had himself greatly contributed to fulfil his own prophecy. He contended that Lord Gosford in his government of Canada had proceeded upon the principle of conciliation as far as it was possible. He was quite sure that Lord Gosford was always most anxious to conciliate the people of Canada; and, indeed, this was most obvious from the circumstance that even when the revolt broke out, he did not feel himself authorised to adopt severe measures of repression. Looking from the beginning to the end of these dispatches, it would be seen that Lord Gosford's instructions were, to do everything that he possibly could to render justice to the Canadians, and to conciliate the feelings of the people of that country. He believed that the present disturbed state of those provinces was entirely owing to the existence of a strong party in that country inimical to the connection with England; but he hoped and trusted that the feelings of the people generally were in favour of continuing that connection. He would not now refer to the question of the emancipation of the colonies. The day might probably come when emancipation might be necessary. But he should be sorry to see a great nation like this give up its colonies, because a party in those colonies chose to revolt. But it was said that the present was a question of justice towards the colonists. He admitted that it was so; and he would ask the hon. Member for Kilkenny whether he thought that Lower Canada was now in a fit state to be emancipated—whether, in justice to the British settlers there and those who inhabited Upper Canada, it was possible to grant emancipation and prevent a civil war from taking place? He most sincerely believed that unless this country asserted its power, and maintained its dominion over Canada, the effect would be destructive not only to the Canadians themselves, but to every British subject who, under the protection of this country, had settled there. It was to prevent this that he earnestly hoped every means of conciliation would be taken, that the noble Earl who was about to proceed thither would have full power to effect such conciliation, and that through his exertions the Canadians might long continue to live happily under the parental sway of this great nation.

Mr. *Hume* was extremely happy to have heard from the hon. and gallant Officer who had just sat down a repetition of what the right hon. Baronet opposite last night stepped out of his way to notice. He had been afraid that he should not have an opportunity afforded him to reply to that right hon. Baronet; but the present occasion afforded him that opportunity, and he should avail himself of it. The hon. and gallant Gentleman had, as well as others, lent himself to affirm and to propagate a most garbled and incorrect representation. "The hon. and gallant Gentleman has said (continued Mr. Hume) that I ought to know that the revolt would take place because I had foretold it four years ago. Why, Sir, ten years ago I foretold it. When on the opposite side of the House I recommended that the colonies of Upper and Lower Canada should be separated amicably from this country. On that occasion I stated, that if the policy which had been hitherto followed in Canada were continued, it must ultimately lead to resistance and separation. I foretold that, as soon as I beheld the blind and narrow policy which this country was adopting towards those colonies. Ever since my attention has been directed towards the state of our colonies in North America, I have seen nothing but misrule on the part of this country. A limited number of official persons, not having any interest in, nor connected by property or birth with, the colonies, have been uniformly maintained by the British Government in all the official situations in those provinces. The same spirit of religious persecution was pursued, the same disdain shown towards the Roman Catholics in Canada as had been for so many centuries exhibited towards the Catholics in Ireland. Every document proves that. [*No, no!*] Let those Gentlemen who say "no," look to facts. In every respect, except the Government provision for the Catholic clergy, the Catholics of Canada are treated as the Catholics of Ireland have been. The cry of "no, no!" therefore, can only have proceeded from those Gentlemen who have taken up the one-sided tale which they have heard in this House. It is impossible for any Gentleman who has read the report of the Committee of Inquiry of 1828, to rise from its perusal with any other opinion than that a system of misrule had driven the people of Canada most reluctantly to the opinion that it ought to be met with resistance. There is a period when resistance becomes a virtue; and as I have frequently before stated, the parties interested must be the judges when the time for resistance has arrived. Such is the fact; and is there anything uncommon in this doctrine? I may be wrong in my opinions, but I never have flinched, and never shall flinch, from an open and candid avowal of them. My opinions with respect to the Canadian question have been before the public for many years; and what I expressed in that letter, which has been garbled by Sir Francis Head, is the opinion I still entertain. I say garbled, because it has suited the purpose of Sir F. Head to send home one part of the letter without sending home the whole. He contented himself with sending home a portion of one letter instead of a dozen letters, which he might have had if he chose. I am now prepared to repeat all that I stated in that letter. You now see the consequences that have entirely arisen from that system of injustice which has hitherto been acted upon towards the Canadians. I will, however, read the letter from which the objectionable words have been extracted. It is addressed to Mr. Mackenzie. Gentlemen have spoken of a correspondence between me and Mr. Papineau. I am not aware that I ever had the honour of a letter from that gentleman, or that he ever received one from me, or that anything ever passed between us, except one communication from him, transmitting a vote of thanks which the House of Assembly had passed for the little services which I had been able to render Canada in this House. But let the documents be produced; let the letters be brought forward. I do think that that which I foretold has come to pass in the natural course of events, and that those Gentlemen who had the power to prevent it have been the real cause of this unfortunate revolt. I must say, that the manner in which the right hon. Baronet last night alluded to Mr. Mackenzie did show a worse and more vindictive spirit than I expected from him towards any individual, and particularly an individual in the situation in which Mr. Mackenzie is placed. Now, Sir, who is Mr. Mackenzie? Mr. Mackenzie was once a Member of the House of Assembly in Upper Canada. He had been the printer, editor, and proprietor of an opposition paper, called *The Advocate*. A party organisation destroyed his property, pulled down his house, and endangered his life. He prosecuted the parties, and obtained damages for the injury he had sustained. But his enemies were not satisfied. The House of Assembly expelled him for a speech delivered by him on the hustings. The county of York re-elected him. He was expelled again, and re-elected again. Four successive times was he re-elected, in spite of all his opponents could do. His last rejection was only effected by a majority of one. I applied to the Colonial-office, and asked whether it was fit that such a course should be pursued? The Colonial-office told me they did not countenance any such thing, and sent out orders that, as far as Government could influence the House of Assembly, Mr. Mackenzie should not be again expelled. He happened to be in England the last time of his expulsion, and what brought him here? He was deputed by the House of Assembly to support the claims of the colony. It was here I became acquainted with him. Lord Goderich took immediate measures for remedying the grievances complained of, and I had the pleasure of presenting to that noble Lord the thanks of twenty-five counties and towns in Canada for the reforms he introduced. Mr. Mackenzie returned to Upper Canada. Immediately after that how was the sense of the people of Toronto expressed towards him? They, at the first meeting of the corporation established the year before by Act of Parliament, elected him mayor of that city. This is the Gentleman of whom the right hon. Baronet spoke as *a* Mr. Mackenzie. True, he is *a* Mr. Mackenzie, but there is also *a* Sir Robert Peel. But that is not the way to speak of any individual. What farther did this lead to? Was he again expelled from the House of Assembly? No; he continued an active Member of it for two years. He was chairman of the different Committees, and prepared the reports of the grievances of Upper Canada. Was it to be supposed that such a man would be allowed by his opponents to remain quiet? No; they did every thing in their power to injure him, but nothing could be done to prejudice him in the minds of his constituents, until Sir Francis Head at the last election succeeded in getting him rejected. The House of Assembly, by a majority of thirty-five to five, met, and tore from the journals of the House the record of the whole of the proceedings by which he had been expelled, in like manner as was done by this House in the case of Mr. Wilks." Such being the character of Mr. Mackenzie, continued the hon. Member, he felt that when that gentleman left England, he was justified in doing all he could to see that the measures which were promised by the colonial office were carried into effect. He would venture to say, that Mr. Mackenzie, who, though he had become a rebel, was a distinguished man. If he had been successful he would have been called a patriot. Yes, speeches had been made in that House by Gentlemen as if no such thing as revolutions had ever taken place. Why, by what power did the house of Hanover hold their present seat on the British throne? It was by a revolution. Let the grounds of the revolution of 1688 be inquired into; he wished the hon. Member for the Tower Hamlets, who had stated that there was no palliation or excuse for the present revolt in Canada, would examine into the grounds of that revolution, and he was confident that it would appear that there was no greater justification for the revolution of 1688 than could be urged on behalf of the Canadian people. But by what right did the king of the French hold his throne? Was it by anything but a revolution? Yet had not this country formed an alliance with that individual who sat on a rebel throne? On what ground was it that the king of Belgium held his throne? Were hon. Members on that (the Ministerial) side of the House slow to recognise him as a lawful sovereign? They seemed, indeed, to act upon the doctrine that the people in all countries who made a popular movement were rebels till they were successful, but patriots when they had triumphed. Hon. Members on the other side of the House had indeed asserted of the Belgians, as of the Canadians now, that they had no grounds for their revolution. He would not stop to inquire which side was right or which was wrong in the opinion they had formed, but he did not say, that the case of the Canadians and the Belgians ought to stand together. The Belgians were successful, and they were proclaimed patriots, and had been recognised as such, the Canadians seemed to be unsuccessful, and they were denounced rebels, they gave title and honour to the one party, and they would gibbet and execute the other. Hon. Gentlemen seemed most mealy-mouthed now, and to be afraid of the mere mention of the term resistance, but did they recollect a statement which was made to the House in 1766, by a Mr. Pitt, when the Government of that day brought in a Bill, not, perhaps, entirely similar to the present Bill, but partaking of much of its spirit, called the Stamp Act? What would that hon. Gentleman have thought of the rhodomontade which had been uttered by the mealy-mouthed orators of the present day against any man who should dare to think of resistance? Let them mark well what—"a Mr. Pitt"—said upon that occasion:—We are told that America is obstinate—that America is almost in open rebellion. Sir, I rejoice that America has resisted. Three millions of people so dead to all the feelings of liberty as voluntarily to submit to to be slaves would have been fit instruments to make slaves of all the rest." For the three millions let the House read one million, or even five hundred thousand, and would not the same argument apply in all its details to the present case? Mr. Pitt went on to say—"The Americans have been wronged, they have been driven to madness by injustice. Will you punish them for the madness you have occasioned? No; let this country be the first to resume its prudence and temper." This was the language then held by the Whigs, and the success of the Americans was rewarded and applauded, and the men who had taken part in the rebellion were eulogised as men who had risked their lives for the benefit of the country. And why did they not grant the same indulgence to the resistance of the Canadians? He thought that the Government was acting a most ungenerous part, and he would subsequently state his reason for this opinion more in detail, but first he would apply himself to get rid of the personal attack which had been made upon him. The letter which had been complained of was dated the 29th of May, 1834, and was directed to Mr. Mackenzie on the accession of Mr. Stanley to the colonial office. After acknowledging the receipt of a copy of the *Vindicator* newspaper, and alluding to Mr. Mackenzie's recent expulsion from the House of Assembly, he had said that the Government seemed willing to sacrifice great public principles to gratify a paltry and mean spirit of revenge against Mr. Mackenzie, and had then gone on—"Your triumphant election of the 16th, and ejection from the Assembly of the 17th, must hasten that crisis, which is fast approaching, in the affairs of the Canadas, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony;" and he further expressed his hope that the Canadians would go on in their exertions for liberty, and that "success, glorious success, would crown their efforts." Was there anything wrong in such a sentiment? And he thus concluded:—"The proceedings between 1772 and 1782 in America, ought not to be forgotten; and to the honour of the Americans, and for the interest of the civilised world, let their conduct and result be ever in view." This was all of importance which was contained in the letter which seemed so much to delight hon. Gentlemen opposite. It showed only that he (Mr. Hume) was then, as he had long been, anxious that the grievances of the Canadians should be remedied, and he had written it at a most important period, when he was likely to feel most strongly. Lord Ripon had removed Mr. Bolton, the Attorney-General, and Mr. Haggerman, the Solicitor-General, because the one had moved in the Council, and the other in the House of Assembly, that the dispatch of her Majesty's Ministers should be laid under the table, or be sent back to them. This dispatch contained several alterations proposed by Lord Goderich to meet the wishes of the majority of the people, and these officers had taken the lead in opposing the reforms which the Colonial Government had wished should take place. Lord Goderich had sent out orders that these gentlemen should either resign or be dismissed. They came home. He would challenge the noble Lord to produce any insult half so violent as these officers had perpetrated against Lord Ripon; but it seemed to be the maxim that the worse persons behaved in the colonies the better they would be treated; for no sooner had Mr. Stanley come into office, than Haggerman, the Solicitor-General, was sent back to the colony, promoted to the rank of Attorney-General, whilst Bolton, the Attorney-General, was made a Judge, and was sent to Newfoundland; and he was able to show that most of the stoppage of business complained of in that island, was mainly owing to this appointment. It was at the time that these gentlemen were sent back that he had written the letter which had been alluded to: he might, perhaps, have expressed himself in more temperate language, but feeling strongly upon the subject, he had expressed himself so as to be understood. He never minced matters, he called things by their proper names, but seeing what had taken place in the United States, he wished to avoid a repetition. Another letter which he had sent out to the colony, but which had not been sent back to this country, was to congratulate the colony on the removal of Mr. Stanley and the appointment of Mr. Rice, and saying that he had known Mr. Rice for many years, and from what he knew he anticipated a new order of things; and he recommended that the wants of the colony should be embodied in a petition, which he hoped would meet with immediate attention, but at the same time that they should not give up their exertions till they had obtained good government, which was equally important to England as to the colonies. This was one of two or three letters to the same effect, in all of which his sole object was to prevent the scenes which had taken place. If the hon. Baronet, the Member for Tamworth, had known all this, he never would have made the observations which he had stepped out of his way to make. He had never intended his letters for publication; they were mere private communications; but the publication only showed how dangerous it was to write privately to a printer. At the same time he would tell hon. Members, that he never wrote any thing on private or public affairs which he cared about being printed. But, to show the House why the importance of his first letter had been magnified, he would call the attention of the House to what had taken place during the late election. They all knew the endeavours of both sides to make out a strong case in favour of the particular colours under which each was to fight. They (the Reformers) had for their standing dish the affairs of Canada, and the misconduct of the Duke of Cumberland, and he must confess that he was most willing to apply himself to the latter point in the best way which he could. The other hon. Gentlemen had for their great stalking-horse the fear of Mr. O'Connell; and he would venture to assert, that there was not a Tory hustings throughout the country which did not resound with cries on one of two questions—either respecting the poor-law or Mr. O'Connell and the Church. Hon. Members opposite might be honest with respect to O'Connell and the Church, but they were most dishonest with regard to the Poor-law Bill. Now, at the time of the publication of this letter an election was about to take place in Canada; and to make a good use of the letter, the common council of Toronto had been called together to pass a resolution, declaring that it tended to a separation between the colony and the mother country. This proposal was met by the following resolution:—

"That forced and unfair constructions have been attempted to be put upon the letter of Joseph Hume, Esq., dated Bryanston-square, March 29, 1834, by those who are hostile to the correction of the abuses in the administration of our provincial affairs; that the electors of the county of York fully deserve the commendation bestowed upon them by the great Reformer, for their continued, firm, and consistent support of their representative upon his repeated unlawful expulsions from the Commons' House of Assembly, whose rash and unconstitutional conduct betrays a want of common sense and prudence, being a sacrifice of the greatest of public principles, and an invasion of the rights of the whole body of electors in the county; that Mr. Hume justly regards such conduct on the part of the Legislature, countenanced as it was by the Crown officers and other executive functionaries in the assembly, and unredressed by the exercise of the royal prerogative, as evidence of baneful and tyrannical domination, in which conduct it is both painful and injurious to find the provincial officials systematically upheld by the Minister at home against the people; that Joseph Hume, Esq., in desiring their independence aud freedom from all such misrule, has no where expressed a desire to withhold from the people of this province that protection from the mother country, which he has for years generously laboured to secure for them upon the principles of good Government and enlightened policy, and that he has evidenced the sincerity of his intention by frequently repeated appeals to the Colonial Ministry and British House of Commons for the redress of existing grievances; that Mr. Hume's opinion of the provincial executive, is justified by the solemn declaration of the people of this province, through their representatives in a late Parliament, when they unanimously addressed the present Lieutenant-Governor in the following language, viz.; 'We feel unabated solicitude about the administration of public justice, and entertain a settled conviction that the continuance about your Excellency of those advisers, who, from the unhappy feeling they pursued, have long deservedly lost the confidence of the country, is highly inexpedient, and calculated seriously to weaken the expectations of the people from the impartial and disinterested justice of his Majesty's Government.'"

That amendment was carried by a majority of thirteen to seven, in spite of the influence of the Government; and it thus appeared that his letter was made a mere stalking-horse to get the council to affirm by a vote what it never believed. Thus he had only pointed out, not only to the present but to every preceding Government, that the course which had been taken was unjust to the colonies, and still more unjust to England. He would now ask the hon. and gallant Officer whether there were any other documents from which he had formed his opinions? If there were any such, he would ask their date, and what they were? But he denied altogether that there were any such; and he would challenge the hon. and gallant Member to produce any such; if he could nót, let him hold his tongue for ever. Who obliged the right hon. Baronet to go out of his way to introduce this correspondence? No one had mentioned Upper Canada during the debate which related wholly to the lower province, the proceedings in which were not affected at all by his letter. So much for the personal part of the matter. Last night he had asked fora delay of twenty-four hours to allow them to consider the address which was proposed, with a view to draw up a proper amendment, and he thought that the House had been ill-treated in not having had the same indulgence extended to them as was given to the other House of Parliament. Was the House of Commons to be trampled upon and treated as they had been last night? If the House were not to consider any question, but were to pass whatever was proposed without attention or consideration, the course which the noble Lord had pursued was perfectly right; but if the propositions were to be discussed, the noble Lord's conduct was most singular. It was because he had not been able last night to express his opinion that he should then move an amendment to place on record his own sentiments on this subject; he had consulted with no other Gentleman, but it would be a satisfaction to be able to put his own opinions upon the journals of that House. He was sorry to find that his hon. Friend, the Member for the Tower Hamlets, agreed so cordially in the address proposed by the noble Lord. He must have read the papers on the table of the House to little purpose when he denied the right of the House of Assembly to stop the supplies, and that they were wrong in so doing; for if he had perused the dispatch of Lord Glenelg to Lord Gosford in June, 1836, he would have found it expressly stated, that his late Majesty recognised the right of the House of Assembly to stop the supplies. They had, undoubtedly, had the power, but whether they had exercised it with due discretion was a matter of opinion. He thought that they were right; for let it be remembered that they had not refused the supply altogether, but had voted it, accompanied with restrictions. Then again his hon. Friend objected to the conduct of the Canadians, because their leaders had not shown talents which would have fitted them for the duties of governors. This circumstance did not alter the nature of their conduct, and the Canadians were the best judges of the fitness of their friends for government. He was sorry also to find the hon. Member say that the Canadians had no pretext for the course which they had pursued, when even Lord Gosford, in November, 1835, had deprecated the taking of money without the consent of the House of Assembly; and having grievances to be redressed and rights to be withheld, he could not think that they were wrong in making a conditional stoppage of the supplies. It behoved him to show that House were taking a course which was most unnecessary; and he hoped that the hon. Members would bear with him whilst he did so. They had been told that the Government was disposed to act in accordance with the wishes of the majority of the people; but he should like to ask how this desire had been manifested? Had they not opposed the resolutions agreed to in the 14th Parliament, not hastily but after due deliberation, passed by a majority of sixty Members, representing an aggregate of 372,000 persons, and opposed only by twenty-eight Members, representing only 138,000 persons, the number of liberal Members who voted having thus a constituency double those of the opposition? The Parliament was dissolved, and the result was, that the minority of twenty-eight was reduced to eleven, showing that the people were determined to support their representatives; and in the next Parliament the number of Members supporting the resolutions were increased to seventy-seven, representing a population of 477,000, whilst the eleven dissentients only represented 34,000, thus proving that the assertion of grievances was not merely the effect of excitement, got up by one, two, or three men of talent, with Mr. Papineau at their head, but that it was the settled opinion of the country, on which the decision of the local Parliament might be considered as the embodied verdict. [*Interruption.*] It might be very unpleasant to hon. Gentlemen who had listened with so much satisfaction to a statement which accorded with their own views to hear anything militating against their preconceived notions; but he must proceed. If any proof stronger than the renewed vote were required to show the opinion of the country, there was still another. Why did not Lord Gosford dissolve the Assembly? The constitutional argument was, if the vote of the House were thought factious, or as misrepresenting the people, that a dissolution should take place; but the reason why the appeal to the people was not made, was given in Lord Gosford's reply—" I cannot dissolve the Assembly, because the same men would be sent back." He well recollected that when the House of Commons was divided in the proportion of 300 to 302, on the Reform Bill, William 4th came down to the House and dissolved the Parliament: he saw a difference of opinion so slight, as to make him doubt which side really represented the people, and to them he appealed for a decision; the result was as unequivocal as it was notorious—the Members on the benches opposite were reduced from 300 to 156. He thought, therefore, that they ought to be satisfied with using constitutional means to effect a reconciliation with Canada; and he would say, " do not suspend the constitution, do not send out Lord Durham with a bill of pains and penalties," for such was not the way to make peace—such was not the method to appease the irritation which unfortunately existed. If peace were the object of Ministers, they were, in his opinion, taking measures more likely to mar than to effect it. Let them learn from experience. Let them send out Lord Durham if they pleased, with paramount power; let him exercise to the full, every prerogative of the Crown; but let him not go armed with a Bill of oppression. By the course they were pursuing they were acting most unjustly; by taking away the democratic power from the hands of the people, they were but acting over again what had been done by the Parliament in 1774; they were doing precisely what was proposed at that period by Lord North, who, in the House of Commons, in the debate on the government of Massachusett's Bay, on the 28th March, 1774, said " I propose in this Bill to take the executive power from the hands of the democratic part of the Government. I would propose that the Governor should act as a Justice of Peace, and that he should have the power to appoint the officers throughout the whole civil authority, such as the sheriffs, provost marshal, &c. I therefore move you, Sir, that leave be given to bring in a Bill for the better regulating the government of the province of Massachusett's Bay." And let the House look back and see what had been the effect of the course which was then pursued. The moderately liberal party in America who were most anxious to preserve the connection with England, on the mere arrival of Lord North's proposal for a Bill, became as much opposed to this country as they had been to a separation;

in short, precisely the same effect was produced as had been experienced on the reception in Canada, of the recent resolutions of that House. And it was natural that the same causes should produce the same results. Lord North's Bill produced nothing but dissension and discontent, and were the Canadians a different class of men from those of the United States? True, it had been said, that the Canadians were cowards and would not fight, but, precisely the same thing had been said of the Americans; for Colonel Tarleton's boast was, that with a single sergeant's company of dragoons, he would march through the whole of North America. He could only apply to this Bill, the language of Lord Camden used in the debate of the 15th of March, 1775, on the bill for restraining the trade and commerce of the New England colonies:—"We are told by some that this is a Bill of firmness and rigour to fill up the measure of justice and to inflict condign punishment on the obstinate and rebellious colonists; but by others, that it is a Bill of mercy, kind and indulgent to the Americans. But, my Lords, the true character of the Bill is violent and hostile. My Lords, it is a Bill of war; it draws the sword, and, in its necessary consequences, plunges the empire into civil and unnatural war." This was precisely the kind of war which must be what was referred to by the hon. and gallant Officer who had just sat down, and it was just that sort of war which he most deprecated. Every step which they had lately taken, had led them deeper and deeper into the mire, and the present measure would, in his opinion, produce the most mischievous effect. He had hoped that such a course would have been pursued as would have justified him in using the words of Lord Chatham; who, when he, on the 1st of February, 1775, submitted his Bill for settling the troubles of America, after stating that the colonies were entitled to all their rights, added, "So shall true reconcilement avert impending calamities, and this most solemn national accord between Great Britain and her colonies stand an everlasting monument of clemency and magnanimity in the benignant father of his people; of wisdom and moderation in this great nation, famed for humanity as for valour; and of fidelity and grateful affection from brave and loyal colonies to their parent kingdom which will for ever protect and cherish them." There was another instance on record recently quoted by the noble Lord (Lord J. Russell), in which measures of conciliation to Ireland were strongly advocated. Mr. Fox, in his speech on the state of Ireland, in March, 1797, said:—

> "I would, therefore, concede; and, if I found I had not conceded enough, I would concede more. I know of no way of governing mankind but by conciliating them: and according to the forcible way which the Irish have of expressing their meaning, 'I know of no mode of governing the people but by letting them have their own way.' And what shall we lose by it? If Ireland is governed by conceding to all her ways and wishes, will she be less useful to Great Britain? What is she now?"

What was Canada now? or would she be less useful if her just demands were conceded to her? The case was made out for Ireland, on only exchanging the name of Ireland for the name of Canada. He would say, let them govern themselves by allowing them to have their own way; let the people of Canada have the same principles with the people of Ireland, and let them have the option of adopting their own system of government. He had done his duty in explaining to the House the grounds on which he opposed the Bill, and he repeated, that he was of opinion, that it was advisable by peace and attempts at reconcilement to endeavour to maintain a colony in connexion with the mother country as long as possible; but so soon as the affection between the two countries was found to have ceased to exist, the sooner the system of separation was adopted, the better it would be for the welfare of both. It was on this ground, therefore, that he put in his protest against the proceedings which it was proposed should be adopted. He had proposed a resolution in which he had intended to take the sense of the House, and which embodied his reasons for refusing leave to the noble Lord to bring in the Bill; but in the opinion of many hon. Members sitting near him, it was considered better that he should postpone its proposition until the second reading of the Bill, in the event of its being brought in. He must acknowledge, that he was most unwilling to come to this conclusion; but the ground suggested by hon. Gentlemen was, that such a resolution should not be put until the House had had an opportunity of seeing the object of the

Bill; but he must declare that he could see no reason for any part of a measure being seen the whole of which was bad. He should, however, for the present, satisfy himself with taking the sense of the House against the introduction of the Bill; but on its being brought forward for second reading, he should take care that it was further considered.

Sir *Hussey Vivian* in explanation, declared, that he was the last man in the world to calumniate any one. The hon. Member had spoken of some letters, which he said had not been alluded to. He did not know what other letters the hon. Member had written besides those referred to.

Mr. *Clay*, in explanation, declared, that he had never denied the right of the House of Assembly to refuse to grant the supplies.

Sir *George Grey* remarked, that had it not been for some observations which had fallen from the hon. Member for Kilkenny, he should not have obtruded himself upon the attention of the House, although he should have felt it to be a most grateful duty to express the gratification which he had received from the unanimity which prevailed upon the measure which had been submitted to them. Not only did he derive much gratification from that circumstance, but he also felt a peculiar pleasure in contrasting the tone and temper which had pervaded the debate of that evening with those which had characterised the discussion of the evening before the adjournment of the House, an adjournment every way called for, because the House was then in possession of but very imperfect information, and because that after more mature reflection, and the communication of more accurate intelligence, they would be enabled to approach the discussion of the subject with that tone and in that spirit which the hon. Member for Bridport had recommended, and in accordance with which that evening's debate had been conducted. He regretted that the hon. Member for Kilkenny, standing, as he rejoiced the hon. Member did, almost alone in that House, was not ashamed to avow himself the defender of rebellion. The hon. Member had complained of the right hon. Baronet opposite (Sir R. Peel) as having been guilty of disrespect and want of courtesy in speaking of the rebel Mackenzie as *a* Mr. Mackenzie, although he had found no fault with the hon. Member who had applied the plainer term of traitor to that individual, and he was therefore bound, without any breach of charity, to suppose that it was one in which the hon. Member for Kilkenny considered it no serious reproach to be involved. The hon. Member came forward as the champion of that Mackenzie who had dared to plunge his country into bloodshed, not because any real grievances existed, but because the absence of her Majesty's troops seemed to afford an opportunity for carrying into effect his treasonable designs. But Sir Francis Head had formed a much sounder and truer estimate of the loyalty and British feeling of that province than Mr. Mackenzie; and although he distinctly anticipated, as was evident from his published letters, the course which Mackenzie might take, he did not hesitate for a moment to withdraw all the troops from the province, because he relied on the loyalty of the inhabitants to put down any attempt at insurrection. The hon. Member for Kilkenny said, that Upper Canada had nothing to do with this question. On the last occasion, however, on which the hon. Member addressed the House previous to the adjournment, he said the state of Upper Canada bore greatly upon the present question. He told the House that the same spirit prevailed in Upper Canada which they had been informed had broken out in the lower province, and he expressed his hopes and expectations that the same efforts would be made to free Upper Canada from the dominion of this country, and that the attempt would be crowned with success. The House was told also, that the same feelings were rife and warm in our other American provinces, and that this country would before long be committed in a conflict with them which must end in their independence. A few days after that declaration was made, specific information was received that an insurrection had actually broken out in Upper Canada, and that it had been at once put down. He had particularly stated, when the hon. Member for Kilkenny had asserted that the spirit which unhappily prevailed in Lower Canada obtained in the rest of our North American colonies, that such was not the case at least in Nova Scotia. Was he not right? Since the adjournment of the House there had been sent to this country from Nova Scotia as loyal an address as ever came to the throne, proceeding from men of extreme as well as moderate opinions, testifying their extreme abhorrence of the course pursued in Lower Canada, and expressing the sense which they entertained of the value of British protection. What was the feeling of the inhabitants of New Brunswick? The same as that which existed in Nova Scotia, when the then Governor had said, that if circumstances were necessary (but he rejoiced to say they were not, as far as the information received at present would allow him to judge), he could put himself at the head of from 1,000 to 5,000 volunteers, and march into Lower Canada in aid of the Queen's troops and of the British Government. But no such necessity existed, and need not be feared, from the loyalty that still pervaded the people of Lower Canada, in which opinion he was borne out by the papers now lying on the table of the House. A spirit of insurrection had been infused into the province by a few individuals working on a portion of the people, but he felt confident that their success would be partial and limited, from the feeling of loyalty that was existing there still, as well as from the amount of the forces, and the aid that would be given them by the loyal inhabitants to crush this revolt. Allusion had been made in the course of the last night's debate to the want of troops in Lower Canada, but he thought it had been shown that the charge was entirely groundless, for during last year the force had been greater than in any preceding. One regiment that was to have left had not done so, and although Sir Colin Campbell had received instructions to send what forces he could to Canada, if it were considered necessary, yet, no such necessity appearing to exist, those instructions had not been acted on at that time. Since then, however, it was deemed expedient that troops should be sent, and he had no doubt they had already arrived there, though only to find that their services would not be required. Deeply deploring, as he did, the spirit which had induced men of influence in Canada to act as they had done, yet it was gratifying to know that the general feeling in these provinces was against them, and that there had been evinced a deep-rooted attachment to British government and British connexion. The hon. Member for Kilkenny had compared the present case with that of the American war; but he would hardly allude to it, for it was only a superficial knowledge of history that could justify the comparison. The revolt in the present case he considered as limited, from the genuine British feeling which pervaded the colony, and which had been fostered and promoted by British rule. He thought there was no more ground for comparison or parallel between the two cases than there was between the able and eloquent speech of Lord Chatham and the speech they had heard to-night from the hon. Member for Kilkenny. The hon. Gentleman had alluded to certain grievances in Lower Canada, but in justice to Lord Gosford it was right to know what those grievances specifically were. A general declaration had been made of the fact of certain men being excluded from office, and of Catholics being treated severely; but it was just to remind the House that the instructions addressed to Lord Gosford last year, and which might be seen in the papers now laid before the House, but to which the hon. Member had not thought fit to refer, contained explicit directions that he should act in a spirit becoming a British governor towards British colonists; and if the hon. Gentleman would substitute specific for general grievances, which he had to complain of against Lord Gosford, he (Sir George Grey) was prepared to meet them, for he was sure they would be found to rest on no valid foundation. Many unjust and ungenerous allusions to Lord Gosford's government had been made that night by the noble Lord, the Member for Cornwall, which were not deserved. He would appeal to his Lordship's conduct as governor. His Lordship had acted as long as he could on the measures of conciliation, which he went out to Canada to forward and carry out, and it was only when those measures which were most congenial to him failed to effect tranquillity, that he was driven to those acts which had been stigmatised as tyrannical by the hon. Member for Kilkenny, and as weak and imbecile by Gentlemen on the opposite side of the House. His Lordship on going out had been attacked by men of opposite parties; but, as had been said by the hon. Member for Bridport, whose speech had been governed by great calmness and moderation, he had attached himself to those men whose views were liberal and just, and who stood midway between the two extremes, and although he had the misfortune to be unsuccessful in his government, yet looking to the correspondence now lying before the House, it would certainly be seen that it was his misfortune not his fault. He had concealed nothing from the Government who had sent him out. He had dismissed several magistrates (and by doing that he was vindicating the Queen's authority) on whom he might call for assistance in carrying out his measures, but who had presided at meetings that had been convened for the purpose of expressing opposition to the existing Government, on whom, therefore, he could not rely. The proclamation which had been issued by Lord Gosford had been spoken of slightingly; but he would ask, what better course than this could have been adopted to open the eyes of the people as to the misrepresentations by which they had been deceived? When revolt had actually arisen, would the House deprecate the Government for promising amnesty to a governor who had issued such a proclamation, in order to prevent the people from attending meetings that might eventually cause their destruction? This proclamation, too, had been greatly qualified by his Lordship's letter addressed to Sir John Colborne, in which he recommends him to restrict the severity of proclaiming martial law to the narrowest limits consistent with the public safety. Lord Gosford's conduct as governor had shown him to be a man of honour and of firmness, and he would again say, that if any specific charge could be brought against his Lordship, he (Sir George Grey) was fully prepared to meet it. When his Lordship resigned, the Government stated to him, that although the tranquillity of the colonies might require some new line of policy, and that the adjustment of their affairs ought to be intrusted to other authority, yet he retired with the fullest approbation of his Sovereign. There was one point referred to by the hon. Member for Bridport which he said in some degree implicated the Government in the mode of carrying on the war, but which did not in any way justify the observations which had been made regarding the British troops and their conduct. Looking at the dispatches which had reached the Government, and the accounts which they received of the demeanour of the troops, he did not see how the Government could abstain from stating the entire satisfaction with which they viewed their steadiness, and the praiseworthy manner in which they had acted. But to show that the contest would not be carried on after resistance had ceased, he would appeal to the steps that had been taken. As for the destruction of the fortified houses, he would ask hon. Gentlemen, whether that was not the best course that could be taken for the sake of the peasantry themselves, who had been led into these acts of insurrection, and thus preventing them involving themselves in the same risk and danger in which they had so recently engaged? What was the language of the Government itself in the instructions that had been sent out to the Governor of the province of Lower Canada? "Her Majesty cannot contemplate the bloodshed and misery in which a portion of her subjects have involved themselves without the deepest feeling of regret for the necessity which has occasioned the active services of her troops in one of the provinces of the British empire. The Queen, however, entertaining the fullest confidence that, as far as depends on yourself"—and it should be recollected, that at this time Sir John Colborne had been appointed civil and military Governor of the province—"these evils will be restricted within the narrowest possible limits, and that on the part of her loyal and faithful subjects in the province no vindictive feeling will mingle itself with their zealous and strenuous endeavours, under your guidance, to put down insurrection and revolt, and to vindicate the authority of the law; but that their conduct will be equally marked with moderation as with firmness." Such was the spirit in which all the dispatches to the Governor of the province were drawn; and he was strongly urged to take any measure to prevent the sufferings of the people of the districts unhappily engaged in the revolt from extending beyond what was required by the exigencies of the case. He would not trouble the House further, but he felt called upon to make the few observations which he had addressed to it in consequence of what had fallen from the hon. Member for Kilkenny, and he regretted that the hon. Gentleman had not at once proposed the resolution to which he had alluded. He certainly entertained the sincere hope and e pectation, that the Bill, the provisions of which had been explained by his noble Friend, and which was then to be laid on the table, would furnish the means of putting an end to those evils and removing the difficulties which had retarded the welfare of the province of Lower Canada, and which ultimately led to the adoption of measures which would develope the resources of both provinces, bound together as they are by common ties and common interests. He trusted that the proceedings which would grow out of the measure before the House would prove beneficial to both the provinces of Upper and Lower Canada, and that the inhabitants of these countries would find, that the British Government would be supported by the British Parliament in carrying out measures tending to the permanent interest and welfare of those colonies; that they would not sanction any measure that would hasten the separation of the colonies from the mother country, nor endeavour to retard that separation by measures of harshness and severity; but he sincerely trusted, that the course that would be pursued would be such, that the connexion would prove beneficial both to the mother country and the colony, and that by the promotion of the common interest of both, the union would be rendered permanent.

Mr. *Baines* hoped, that his hon. Friend, the Member for Kilkenny, under the circumstances of the case, would not divide the House, as it was impossible for hon. Gentlemen, without having seen the Bill, to form anything like a just estimate of its merits or defects. He therefore trusted, that, in a case in which there was so much difficulty, his hon. Friend would not call upon the House to divide.

Mr. *Hume* intended to divide the House on the principle of the Bill, and it was not necessary to see the details of it before they came to a decision on the subject.

Sir *Robert Peel* observed, that as the hon. Member for Kilkenny intended to divide the House on the principle of the bill, he should at once state that he should vote for its introduction, but by voting for leave to bring in the bill he did not thereby mean to imply that he gave his unqualified approval to the measure, the details of which had that night been explained to them by the noble Lord. As the constitution of Lower Canada was at present practically suspended, it might be necessary to have some measure similar to a portion of the bill then proposed. Therefore, to so much of the bill as suspended the constitution of Lower Canada, and made provision for the temporary administration of the government of that province, he should not object; but he confessed he did not understand the other provisions of the bill as they were explained by the noble Lord. He hoped that hon. Gentlemen on both sides of the House, whatever might be their opinions on the subject, would consider well the provisions of that part of the measure which called together the assembly which the noble Lord described as a convention of estates of Upper and Lower Canada for the purpose of providing for the future government of those provinces. He doubted the policy of the course involved in this proceeding, above all in the lower province, where men's minds were inflamed by what had so recently passed before them. He doubted the policy of discussing the provisions of a future constitution for the colony, when great excitement might naturally be expected to prevail. If they were anxious to bring about a union between the two provinces, he doubted whether it would be expedient or practicable to frame a satisfactory measure for the purpose at the present moment; he doubted whether the feelings of the different parties in both provinces were not in such a state of exasperation that it would be inexpedient, and almost impossible, at present to bring about such a result. The noble Lord, as a part of his plan for effecting this purpose, appeared to propose a convention of estates having legislative authority, and being elected in a certain manner, as he understood this body, it was to be composed of three members of the Legislative Council of Upper Canada, and three members of the Legislative Council of Lower Canada; these were to meet together, and they were to be aided by a certain number of persons having a representative character. They had a Representative Assembly in the Upper Province, and there might be no great difficulty in getting proper persons chosen there. He would not then say whether such a course was wise or expedient; but while they suspended the existing constitution of Lower Canada, how could they get representatives from the assembly of that province to attend the convention. Did the noble Lord mean to give to the governor of the province for the time being the power of nominating persons to attend in that capacity. Then how were they to be nominated when the constitution, was suspended? The noble Lord proposed to suspend the constitution, and therefore representation both legal and actual, would be put an end to; how then could the representatives be convened at the moment to choose persons to attend the convention when they were about to suspend the constitution of Lower Canada? He confessed he did not understand from the noble Lord what course was to be pursued; but any measure giving a form of representation while the constitution was suspended and the province was under martial law must be of a very anomalous character. Many parts of the measure proposed by the Government would require much consideration on the part of the House, and he hoped that hon. Gentlemen of all parties would devote their serious attention to the subject. They should remember that this measure was nothing more nor less than an act of despotism, justifiable in his opinion, from the steps that had been taken by parties in Lower Canada, but still an act of despotism, and it was useless and unwise to conceal the character of the measure. What he objected to in it was, that at the present moment they pretended to conciliate, by saying that a certain form of representation should exist for the purpose of forming a body to frame the future constitution. He thought that it would be much better to confine themselves to the necessity of the case, and suspend the constitution for a time, and not at present take steps to frame a new constitution. The proper course would have been, that the Representatives of England should declare that they would make every inquiry, or direct inquiry to be made, so as to obtain adequate information for future legislation on the subject. He trusted that hon. Gentlemen would not be led to mistake the nature of the measure. The noble Lord, in introducing the Bill, said that there should be an Assembly chosen, which he would call the Convention of Estates, and that it should be composed of persons representing both provinces, and that this body should thus speak the sentiments and give expression to the feelings of the people of both colonies, and that they should assemble to draw up certain measures for the future government of those countries. The question was, when they were about to suspend the representative constitution of Canada, how these representatives to this assembly were to be chosen? Did the noble Lord mean that the governor of the province should name the districts and the class of persons who were to choose these representatives? Did the noble Lord mean to name the persons who were qualified to be chosen as representatives, or those whom he could accept if they were elected? Or did the noble Lord mean that the governor of the province should at once name the persons who were to represent the province? If it was in any of these classes it was a mockery of representation. It would be infinitely better to guard against such a dangerous act as a precedent, clothed as it was in a character of liberality, which it did not possess. If the Bill contained provisions of this nature, he could not help feeling that they were called upon to come to a premature consideration of matters of this nature. He was most anxious to take steps to make provision for the future good government, and for granting a free and adequate constitution to Lower Canada, when the proper time came; but he believed that nothing could be more impolitic, or give rise to greater disasters, than the premature consideration of matters of this nature. He objected to this part of the measure on this ground, and also on the other ground; that the Bill proposed that which was a mockery of representation when the constitution was suspended and the representative bodies in the colony were no longer in existence. As the noble Lord intended to move that the House should adjourn from that night until Monday, he would take that opportunity of asking the noble Lord, the Secretary for Foreign Affairs, whether it was his intention to make any communication to Parliament as to the negotiations respecting the line between the state of Maine and the province of New Brunswick? Very ample communications on the subject had been made by the Government of the United States to the American Congress, and he thought that similar information should be furnished to the House of Commons as to the state of this most important question.

Lord *John Russell* felt it necessary to address the House after what had fallen from the right hon. Baronet. He was quite sure that the right hon. Gentleman had quite unintentionally misstated the intentions of the Government on this question, and had imputed to them a course of proceeding which they had no intention of following. The right hon. Gentleman said, in the first place, that when insurrection raged in certain parts of the province, and when men's minds were greatly excited by what had taken place in Canada, it would be inexpedient and unwise to call together what the right hon. Baronet called a convention of estates, and which he designated as a mockery of representation in Lower Canada. He would state again what were the intentions of Government with respect to this question, and he thought that then they would be relieved from both the charges that had been brought against them. In the first place, then, what the Bill proposed to do was, to set aside and suspend for a time, the present constitution of Lower Canada, and to place the authority,—despotic authority, if the right hon. Baronet would have it so— in the hands of the Governor in council. But he also said at the same time, that they were determined to enforce the authority of the law, they did not design or intend to establish anything despotic in the government of the country; but they would take such steps that at the earliest possible time they could they would return to the constitutional government of Canada. For this purpose, he stated that it would be advantageous that the Governor to be sent out to Canada should have large powers intrusted to him, and that the future measures to be framed, should not only be the result of the experience of the Governor, but that they should also have the additional recommendation which would result from their being framed in conformity with the suggestions of persons in the Assembly which he had described, and by which those measures would have greater weight, both in this country and in North America. In considering the provisions of this Bill it appeared to be both wise and expedient that they should not interfere with the prerogative of the Crown, and whatever, therefore, was proposed to be done with respect to the constitution of the Assembly he had alluded to, would be contained in the instructions of her Majesty's Secretary of the Colonies to the Governor appointed, and not embraced in the Bill. The right hon. Gentleman asked, whether the governor was to nominate the body which he called the convention of estates. He (Lord John Russell) would reply by no means, but the Governor would take steps to call together that body which he should call the committee of advice, on this subject. If the Governor should find, which he (Lord John Russell) did not believe would be the case, that great excitement still continued in the province, and that the calling together of the body he had alluded to, was calculated, instead of promoting peace, to aggravate the feelings of dissatisfaction, then it would be the duty of the Governor to withhold his sanction from its assembling; but much on this point must be left to the discretionary power of the Governor. He did not, therefore, think that the plan was liable to the charge that had been brought against it, that in the midst of civil war and excitement they proposed to call together this body merely for the purpose of giving a liberal character to the measure. But if the Governor should think it fit to call together such a body, it was impossible to allow the House of Assembly of Lower Canada to depute members to such a body; but still he thought that adequate provision should be made and devised for choosing this body, and that elections could be taken, to which persons could be chosen to represent Lower Canada. Undoubtedly, however, this process ought not to be adopted until tranquillity was restored. But when the existing tumults and disturbances were put an end to, supposing that such a body was called together, containing persons, representing the interests and wishes of the inhabitants of Upper Canada, and the interests and wishes of the inhabitants of Lower Canada—such body called together by the Governor, and having had the whole subject laid before them by him, would be able amply to consider and deliberate on the matters submitted to their consideration, and the result of their deliberations would naturally have great weight both with Parliament and the country. He agreed to a considerable extent with an opinion expressed by the Committee of 1828, and which reported to the House after great deliberation, and having with great patience investigated the subject. They stated that the British Parliament should not be called upon to interfere in the affairs of Canada, unless in time of great need, and where its authority was necessary; but that in general the constitutional assemblies of the provinces should be left to the management of their own internal affairs. If the Government of the country were not prepared to propose a plan at once, they at least recommended a course which they had good reason to believe would meet with the approbation of a large portion of the inhabitants of the provinces, and would lay the foundation for future concord in Canada. As the right hon. Gentleman said, that he should oppose this part of the Bill, he would at once state, that in framing it, his learned Friend, the Attorney General, had been consulted, and he had given it as his opinion, that it was unnecessary to frame enactments for empowering the Crown to do that which was at present in the power of the Crown. It had, therefore, merely been mentioned in the preamble of the Bill that such instructions had been furnished to the governor. It was, therefore, already within the power of the governor about to be sent out to Canada to summon this committee of advice. The right hon. Gentleman said, that he should put it to the House whether such authority should be granted to this body. It was certainly competent for the right hon. Baronet to do so, and when he brought the matter forward, he should be prepared to meet the right hon. Baronet. He felt bound to state to Parliament so much respecting this body as an explanation of a part of the policy the Government meant to pursue with regard to Canada. He felt bound to explain that it was a part of the instructions given to the Earl of Durham to summon such a council, and this was done without any such wish for a show of liberality, as had been stated by the right hon. Gentleman, but from a belief and conviction that by it means might be devised for the future good government of these provinces. The responsibility for adopting such a course rested with the Government, and they were fully prepared to bear it for having given such advice to the Crown. It was, however, for the right hon. Gentleman, if he thought fit, to show that the royal authority had not been wisely or properly exercised on this matter. With respect to the conduct of Lord Gosford in Canada, he did not feel called upon to make any observations after what had fallen from his hon. Friend, the Under Secretary for the Colonies; and on this subject he fully agreed with his hon. Friend that Lord Gosford had acted fully in accordance with the instructions which he had received, and the character which he had to maintain; and that no man had ever manifested a greater desire to conciliate, and, at the same time, greater firmness in not yielding to cases in which he believed that the honour or interests of this country were involved. It was unnecessary for him to say more on this point after the able observations of his hon. Friend. This was a matter of the gravest importance, and he was most willing to admit that the closest attention of the House should be directed to a question so deeply affecting the future interests of our North American provinces, and the character of this country in North America, with the view of removing every ground for future dissension, and permanently providing for the harmony and happiness of the colonists.

Sir *Robert Peel* said, he had one word to say in explanation of his former observations. He could not imagine that there were ten men in the House who had not inferred from the first speech of the noble Lord, that the proposed Bill contained provisions authorising and empowering the governor to call together a committee from both Canadas, such committee having a representative character. This, undoubtedly, must have been the construction put on that speech by others than himself; for the hon. Member for St. Albans had declared, that he had become reconciled to the Bill precisely on account of the general advance it made in legislation, by enabling the governor to call together a Canadian convention; and this compliment of the hon. Member to the liberality of the Government no Member of the Government had once attempted to repudiate. Now the noble Lord said, that all that was intended was to give instructions to the governor, by the exercise of the royal prerogative, to call a certain number of gentlemen together to advise with him. If this were all that was intended, no impediment could be offered to it. But what he (Sir R. Peel) objected to was, the giving the sanction of Parliament to any measure giving an authoritative and formal character to such a Committee. The noble Lord said, that the prerogative of the Crown might be extended to sending for these gentlemen as representatives of the districts of Lower Canada. He (Sir R. Peel) doubted whether there was such a power; but, at all events, if it was contemplated to give the governor the power, in the present state of Lower Canada, to name certain gentlemen to such a committee as representatives of the feelings and opinions of the Lower Canadians, he should object to such a proposition.

Lord *J. Russell* said, he had stated just now, though the statement had not been noticed by the right hon. Baronet, that it would be inserted in the preamble that such instructions be given to the governor. He did not think it necessary that there should be any clause in the Bill empowering the governor to call a committee of advice together, such a proceeding being perfectly within the prerogative of the Crown, or to give power to the governor to make a new division of districts. He might not have made himself quite intelligible to the right hon. Gentleman; but this he could say, that two hours before he had seen a draught of the bill in which it was proposed that in the preamble this power should be recited.

Mr. *Ellis* considered the answer of the noble Lord altogether different in its character from his first speech. He considered that to give the governor power to name districts would create much discontent.

Viscount *Palmerston* stated, that the documents and correspondence relating to the Maine boundary, from the date of those last laid before the House up to the present time, would shortly be laid on the Table of the House.

The House divided Ayes 198; Noes 7: Majority 191.

Bill brought in and read a first time.

On a motion being made for some returns,

Mr. *Hawes* wished to put a question of considerable importance to the noble Lord (Lord John Russell). He wished to know, having supported the address in order to strengthen the hands of Government with a view to put down revolt, and being also prepared to give his consent to the introduction of this Bill, whether the noble Lord had taken measures to prevent sanguinary punishments from taking place previous to the arrival of Lord Durham in Canada?

Lord *John Russell* said, it appeared to him that the hon. Member meant to imply that there was an expectation, either on the part of the Government or the House, that sanguinary executions would take place under the direction of Sir John Colborne. He must say, in order to prevent misconception, that he had no expectation that Sir John Colborne would order sanguinary executions, or would do anything beyond what he would consider a painful duty on this subject. It was therefore certainly not necessary that the Government should take steps to desire Sir John Colborne to refrain from a course which he considered it unlikely he should pursue —namely, a course marked by a character of cruelty, or one of a sanguinary nature. At the same time Government had not thought right to withhold from Sir John Colborne their general opinion as to the inexpediency of capital executions on an occasion of this nature. They had informed him of this in their dispatches, the contents of which he was not inclined to state in detail, but they had stated their general opinion—an opinion in which he believed that almost every person in the country would concur, namely, that, upon an occasion like that which had arisen, executions not immediately prompted by absolute necessity would tend both to prolong the contest, and would leave afterwards in the minds of the people feelings of an unpleasant nature. In stating this opinion to Sir John Colborne, he must say that they did not in the least doubt that gallant Officer's disposition; and he must also say that they were not laying upon him any positive instructions which should fetter him in the execution of his duty; they were merely stating to him what was the general opinion of the Government on this subject, an opinion in which he had no doubt but that Sir John Colborne would fully concur.

Mr. *Hawes* did not mean to imply that any unnecessary cruelty would be exercised by Sir John Colborne. He had merely referred to the conduct of Government, and not to the conduct of the gallant officer. He must add, that he was perfectly satisfied with the answer of the noble Lord.

Mr. *Warburton* said, that according to the common practice of this country, state prisoners were always treated with great humanity. It would, however, be seen from papers that had been laid on the Table of the House, that owing to the neglected state of the prisons of Montreal a prisoner had lately perished. He hoped that the same indulgence and attention would be shown to the prisoners in Montreal that was shown to prisoners in this country.

Sir *Robert Inglis* said, it was a question with many, and himself amongst them, whether capital punishments might not be altogether abolished. But with respect to the person who on a late occasion had been denounced as a traitor, amidst the cheers of nine-tenths of the House, he must say that he should consider it a false and spurious humanity to extenuate any sentence that might be passed upon him.

Mr. *C. Buller* was sorry to hear such an observation from the hon. Baronet. Sufficient angry feeling had been excited against the individual, and it did not require any addition. He should think that the mercy of Government might be properly extended towards any individual, and he believed that in such a course the feelings of the people would be with them.

In the present instance Government might set a memorable and useful example by not shedding one drop of blood.

Mr. *Borthwick* begged to remind the hon. Member for Bridport that persons taken in war were not state prisoners.

Lord *John Russell* did not wish to claim credit for the Government for carrying clemency to the extent to which some hon. Members supposed it would go. He did not say that Government had interposed or would interpose with respect to any individual case, upon which judgment should be pronounced in the colony. He had merely stated a general opinion with regard to executions, but with regard to any case that might occur, the opinion must depend upon the facts connected with that individual, and upon the state of the province at the time.

Sir *Robert Peel* said, that if anything could tend to diminish the influence of the Crown in the exercise of mercy, it was the House of Commons thus discussing the extent to which that mercy should go, without any knowledge of the nature or character of the crimes committed. Did the hon. and learned Member for Liskeard mean to say that for no crime attending the insurrection in Canada should a single drop of blood be shed?

Mr. *C. Buller* said, that his observations intended to apply to political offences only.

Returns ordered.

The Petition of Mr. Roebuck.] Mr. *Grote* presented a petition from J. A. Roebuck, praying that he might be heard at the bar in defence of the House of Assembly of Lower Canada, and in opposition to the measure of "impolicy and injustice" which Government meant to introduce with regard to that country. The petition also contained resolutions of the House of Assembly, appointing Mr. Roebuck agent. He was persuaded the House would see the reason and justice of granting the prayer of this petition. When the Act of 1791 was passed, establishing the constitution of Canada, he found an entry on their journals of the application of Mr. Adam Limburner, as agent for Quebec, to be heard by himself or counsel against certain clauses of the Act. This application was agreed to, as well as that contained in the petitions of Mr. James Finn and Mr. Alexander Ellice, merchants trading to Quebec, to the same effect. He trusted that the House would see that the precedent to which he had refrred was precisely in point, both as to the character in which the individual claimed to be heard and as to the subject to be discussed, which related to the identical province that was affected by the Bill which was to be introduced by the present Government. He hoped, also, that the House would recollect that in the arguments of the noble Lord (Lord John Russell) the main stress of his allegations rested on the demonstration that the House of Assembly had been deficient in the qualities requisite for performing its duty and failed in its obligations both to the mother country and the colony. That was one of the two points which the noble Lord undertook to establish in the course of his very long speech. In the few remarks which he had addressed to the House in answer to that speech, he stated his opinion that the House of Assembly had been hardly dealt with in regard to its defence, because there was no Gentleman present who either understood the full details of their conduct, or was capable of meeting, without notice, any specific charges which might be urged against them. The general importance of the affairs of the colony, in a matter bearing so hardly and closely on a large body of persons in these provinces, would, he trusted, make the House sensible that there was the strongest necessity for giving the fullest opportunity of hearing the case of the Assembly of Lower Canada as fully and fairly stated on the one side as it had been amply detailed on the other. He did think, that when there was a gentleman in this country armed with authority, as agent, by the House of Assembly, and fully competent, from his knowledge of all the details and circumstances, to answer the charges which had been urged, the House would not be acting in a spirit of fair and equitable justice if they were to refuse to hear him at the bar; particularly when to hear the petitioner at the bar was as much in consonance with the old established custom of the House as with a regard to the strict dictates of justice. He submitted that if the House were to decline to hear their agent, it would have an appearance of rigour and injustice towards the House of Assembly, which it was not in the wish of any Gentleman at either side to evince. With the permission of the Speaker, he should bring up the petition, and then, if the House agreed to its prayer, he should move that a day be named on which Mr. Roebuck should be heard.

The petition having been read at length by the Clerk,

Mr. *Wakley* said, that, as it appeared to him that there would not be the slightest objection to hear a detail of the grievances of which the Assembly complained, he thought they should now at once determine when Mr. Roebuck should be heard. The principle of the Bill would be decided on the second reading; and it was, therefore, important that the agent of the Assembly should be heard on Monday, for which that stage was fixed.

Mr. *Warburton* begged to remind the House that in the precedent which had been quoted, the complaint was against certain clauses of the Act, and counsel might, therefore, without unfairness, be heard, as it was intended in that case they should be, on bringing up the report. But here he apprehended that the opposition to be given was intended against the principle of the proposed measure, and the proper course, therefore, was to have the petitioner heard at the bar before the second reading, in accordance with all established precedents.

Lord *J. Russell* observed, that without wishing to give any decisive opinion as to the prayer of the petition, he thought it ought to be printed, and taken into consideration on another day. His hon. Friend had introduced this subject, no doubt, from necessity at the end of the evening. He thought, however, that the House should be allowed time to consider the precedents on the case, and both whether the petitioner should be heard, and if so, in what character. As to whether he were to be considered agent for the colonies—[Mr. *Grote*: He has been appointed by the Assembly.] He did not then wish to give an opinion on that point. There were instructions sent by the Secretary of State in this country for the introduction of a Bill by which the House of Assembly, with the assent of the Legislative Council and the Governor might appoint an agent. No such Bill, however, was passed. If the House should be of opinion that Mr. Roebuck should be heard, he had, of course, no objection that he should make his statement before the second reading of the Bill; but they ought not now to determine either the question whether he should be heard, or in what capacity he should be allowed to appear.

Mr. *Grote* stated, that all he desired was, that the Bill should not be advanced to the stage of the second reading before the question as to the admission of Mr. Roebuck to be heard was decided. He should, therefore, give notice that he meant to call the attention of the House on Monday to that subject before the second reading of the Bill.

Mr. *Warburton:* Mr. Roebuck had been acknowledged as agent by Lord Gosford, and was paid by the House of Assembly.

Lord *J. Russell* had not the least objection to the intended motion.

Sir *R. Peel* thought, the capacity in which Mr. Roebuck should be heard was quite a subordinate question compared to this, as to whether he should be heard on the part of the Assembly of the province. His own impression was, considering the extraordinary nature of the suspension proposed, which was justified, he thought, by necessity, that they ought not to debar the parties who were to suffer this penalty from making any representations they might think essential. Therefore, reserving his opinion as to the subjects of the defence, he was persuaded that, while they proceeded with as much deliberation as was necessary for the enforcement of the proposed measures, they ought not to shut out any statements on the part of the colonists which they might deem necessary to be submitted.

Petition to be printed.

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HOUSE OF LORDS,

Thursday, January 18, 1838.

MINUTES] Bills. Read a second time:—Duchess of Kent's Annuity.

AFFAIRS OF CANADA.] Lord *Glenelg:* My Lords, I rise, according to the notice I have given, to move a humble address to her Majesty relative to the affairs of Canada. My Lords, this address generally expresses the regret of this House at the state of affairs in Canada, and it states that this House will support her Majesty in whatever measures may be necessary to preserve the integrity of the empire. This address will, I flatter myself, meet with the ready approbation of your Lordships. I shall now take the liberty of reading it.

"That a humble address be presented to her Majesty, to thank her Majesty for her gracious communication of papers relating to the affairs of Canada; to assure her Majesty that the anxious consideration of this House shall be given to the preparation of such measures as the present exigency may require; to express to her Majesty our deep concern that a disaffected party in Canada should have had recourse to open violence and rebellion, with a view to throw off their allegiance to the Crown; to declare to her Majesty our satisfaction that these designs have been opposed no less by her Majesty's loyal subjects in North America than by her Majesty's forces; and to assure her Majesty, that while this House is ever ready to afford redress to real grievances, we are fully determined to support the efforts of her Majesty for the suppression of revolt, and the restoration of tranquillity." My Lords, in submitting this address to your Lordships, I trust that you will permit me to make a few observations upon the subject to which it relates. I think that, with respect to that address, your Lordships will regard the subject as one of considerable and deep importance, and one that is very interesting in relation to, and as affecting, the interests and prosperity of the empire. I think it right, my Lords, on the part of the Government, to request your patient indulgence while I offer to you those observations which I shall feel it to be my duty to make; because I do not think it possible to present to your Lordships a just view of the measures which we propose, or of the policy which the Government has acted upon, without trespassing some time upon your Lordships—I hope not a long time, certainly not a longer time than the importance of the subject demands. In trespassing upon your time, it is not necessary for me to recal your attention to the entire history of the disputes in Canada. At least it is not necessary for me to recal your attention to the earlier part of these disputes. But it is necessary, in order to place our policy in its proper light, to request your Lordships to return to that period of their history upon which the present Government came into the administration of affairs. When this Government came into office, the most difficult question presented to their attention was, the question relating to Canada. Those difficulties were not the consequence of accidental or temporary circumstances. No, but the causes of these difficulties were deep-rooted. They were interwoven with the framework of the society; they could be traced to the nature of the Government, and to the nature and situation of the British North American colonies in general. That great portion of territory added to our dominions by the peace of 1761, divided into two provinces, Upper and Lower Canada, presented at that time a subject of exceeding difficulty and of very great anxiety. With respect to the province of Upper Canada, it was found to be well populated, powerful, and rapidly advancing in prosperity; but throughout that province a great degree of discontent and animosity prevailed with reference to the province of Lower Canada, and that particularly with regard to the situation in which the Upper Canadians found their commercial interests to be placed. That province, I might almost say, that nation was divided from others; it was surrounded by other nations, and could have no intercourse with the ocean except through the United States, or by the river St. Lawrence. All the commercial interests of the people of Upper Canada were controlled by foreign legislatures, or by legislatures which, if not foreign, between whom and themselves there were considerable distinctions in manners, habits, views, and political principles. The Legislature of Lower Canada viewed with jealousy the exertions of those of Upper Canada. The pressure of this state of things upon the people of Canada was felt to be so great that various plans were devised to meet the difficulty, or to escape from it. One plan, was for entering into a negotiation with the United States for the purpose of securing a communication with the sea; and another was, that Montreal should be made the capital of Upper Canada, in order that the province of Upper Canada might have that command over the St. Lawrence which her interest demanded. At the same time in Upper Canada considerable internal anxiety prevailed. The House of Assembly of that province was then about entering into a race of rivalry with the House of Assembly of Lower Canada upon those topics which agitated Lower Canada. But there were causes of still deeper anxiety in existence with respect to Lower Canada, for in that province there was that at work which might not exactly be the origin of the disturbances, but which certainly gave them the force and energy which they had acquired, namely, the division of the two races which inhabited that province—a division which was not by circumstances at all mellowed, but which had been embittered by them, and had given rise to more heartburnings, and had been the cause of more disturbances than any political events of the time. In that colony the constitution was not established on principles which gave to wealth an influence and weight which, in conjunction with other circumstances, would have been beneficial, but which gave the whole influence to numbers alone—the determination of which alone made the elective franchise what it was; and the case, my Lords, is remarkable, as forming the peculiar political society of that province. The numerical majority, about 400,000, returned by far the greater majority of the members of the Assembly; and the consequence was, that one of the races predominated in the Assembly, so as, in fact, practically to exclude the other, Those who were returned by a numerical majority, comprising, it may be said, the whole of the Assembly, were those attached to the obsolete notions of former times. They were unfriendly to commerce, to the spread of intelligence, to the diffusion of education; and therefore not very friendly to the prevailing characteristics of the English race. The leaders of the House of Assembly, who commanded a majority there, did so with very little responsibility to their constituents. In fact their constituents, though a very amiable and a very virtuous race of men, were yet very ignorant, and little fitted to appreciate the blessings which the constitution bestowed upon them. They were fitted to be deluded by ambitious and designing men. Their leaders were attached to obsolete notions, and had the advantage of fighting for them with the weapons of popular institutions. Those who were against improvement had the support and the aid of popular institutions; while those who were really favourable to improvement, and had wealth and intelligence upon their side, were compelled to resort to the aristocratic party. These parties were invested with weapons which were not suited to them. Those who were the most liberal had to seek for aid from the Legislative Council, and the aristocratic part, as I may term it, of the constitution; while those who were less liberal, and were indisposed to improvement, were fighting under the colours of free institutions. Thus it happened, on the one hand, that those who were the supporters of an oligarchy hostile to improvement made use of the rights and privileges of popular institutions, and pushed them to an extreme; and on the other, privileges not generally used to promote improvements and support free institutions, were pushed to an extreme for the purpose of enforcing them. This formed a very remarkable circumstance in the situation of that people. But these distinctions were still more aggravated by other circumstances—the differences between the two nations in manners, in religion, in language, in general views, and in general principles. Notwithstanding the advantage which numbers gave to the one race, yet the aspiring activity of the other gave them an ascendancy even in spite of the countervailing advantages. The English race was in possession of all the foreign commerce, and even of a large portion of the property where the *habitans* lived: and thus the illusions which they fostered amongst themselves, of their one day constituting a great Canadian republic, was every day fading from their view. Such were the hopes and fears of the two nations; and they could not fail to produce considerable and numerous animosities. Preparations were made upon both sides to assert, by every means within their power, and such as they could find constitutionally, the ascendancy which the one desired to maintain, and which the other was desirous to acquire. But there were other circumstances to be looked to. The constitution of 1791, from the earlier years at least in the history of Canada, might be said not to be administered. It might have been very advantageous for the people of Canada if it had been so; but the executive government took part with one race against the other—it took part with the English race instead of being the umpire and arbitrator between both. All the honours and emoluments flowed in one channel; and thus the popular institutions were severed for the Canadians from the government, and they obtained no advantage through them. This was done while the government usurped practically the funds of the State. Those funds were in the hands of the governors—abuses crept in, and at length they prevailed to such an extent that many of the English united with the French race to obtain a redress of grievances. The French, connected with the English, had the advantage of urging their demands on the ground of real and existing abuses. In 1828, redress was afforded when the subject was brought forward by Mr. Huskisson, and the recommendations that were then made were carried into effect by my noble Friend opposite, as far as the influence and power of the Crown could carry them into effect; and the result was, that the reasonable portion of the French Canadians quitted the ranks of the agitators and supported the government. The English also separated from them and supported the government. But this was not the way to satisfy the leaders of the discontented party. Those reforms were hostile to their purposes. They believed those reforms were not conceded from a sense of justice (as I am sure they really were), but from timidity. Their only hope, then, to retain an influence over their followers was to maintain the cry of existing grievances. When these real grievances had been swept away, fresh grievances were to be found, and the bright reward received by my noble Friend for his exertions was the applause which the House of Assembly gave to those who would resist the just terms of accommodation. At last, having advanced other grievances, the House of Assembly at length took its stand upon demands which involved the surrender of the sovereignty of the province. They insisted upon the application of the elective principle to the Legislative Council; they required the dominion, unqualified and unconditional, over the revenues of the Crown; and the responsibility of the Executive Council to such a degree, that the officers should be dependent upon the will of the Assembly. These demands were openly urged by the Assembly. To these demands the English party were decidedly opposed, because they saw in them the proscription of their own race; for they saw that such would be the result of the success of those efforts. Such, then, was the situation of the minds of men in Lower Canada at the time that the Government entered into the consideration of these circumstances. At the same period, in the adjoining province, there were circumstances which gave room for considerable anxiety. Not only in Upper Canada alone, but also in Nova Scotia and in New Brunswick there was some degree of agitation. At all events the agitators in Lower Canada, if not entitled to claim, did actually claim, a fellow-feeling with themselves in the other provinces—most falsely, most unjustly, I believe, but they claimed it. Their making such a claim proved, at least, that there must have been some agitation in the other provinces which was calculated to excite the attention of the Government. Such were the difficulties in which affairs were placed when we were first called on to examine those questions. How were the difficulties to be met? I know it is said that the course was a very simple one—that we ought to take the one line or the other, and that we took neither line, and that the consequence is that we are involved in our present difficulty. I know, my Lords, that it is very easy, after the result, to prophesy of the issue, and to make an assertion as to the course that ought to have been pursued. But what were the two lines upon which we ought to have acted, and between which we ought to have made our choice? One of these lines was to support the pretensions of the French party—it was, in a word, to accede to the propositions to which I have adverted. The result would be very simple and very clear—in one sense it would be so, putting aside for the present that which I shall immediately advert to—it would involve the surrendering the British sovereignty; and I may add it would involve, too, very great injustice to the British settlers. Justice, I conceive, is the principle upon which we are bound to act; and if we had at once acceded to the demands of the French Canadians the result would be exceedingly injurious to the British race at the time forming a part of the population of Canada. Would that course be sanctioned by this House? Would it be approved of by Parliament and the nation? Would it have been supported and approved of by their fellow colonists in other parts of North America? Ought, then, that course to be followed? I venture to say that such a course would have involved us in the calamity to which we are now brought, and that, too, under more unfortunate circumstances than we are at present placed. It would have been to call upon us to support the French Canadians against our fellow-subjects in Lower Canada. But another line might have been pursued; that is, to take part with the English Canadians. We ought, then, to have removed this House of Assembly, and to form a new system of representation, so as to give an ascendancy to the English. That, my Lords, would not have been just—that would not have been endured by this country, which never will sanction injustice. That, too, would have brought on us the same difficulty in which we are now, with this difference, that then it would have involved the whole of the French nation in Canada, which at present is not the case: and it certainly would have been against the general feeling of justice amongst our fellow colonists in North America. I come, then, to the course of policy which has been pursued. We thought that the proper course of justice was not to act as the partisans of either; but to act as the mediators between both parties. It was to take the line of justice, of conciliation, and of moderation. It is a line which is always open to the sneers and censures of those who maintain extreme opinions on both sides. It was, however, the only true line, which ultimately could lead to success. That line, I venture to say, is the line which the Government has adopted, and the results to which it led was the redress of acknowledged and admitted grievances, and an investigation into alleged abuses. On that principle the Government proceeded — that which I believe to be the just principle—of moderators between the parties. Preceding Governments had acted upon that principle; for I do not mean to take for this Government alone the merit of having acted upon it. I believe it was the course of policy pursued by my predecessors in office. It is the course which the present Government has pursued, and it was the only one left us to pursue; and in accordance with that policy Lord Gosford was empowered to redress acknowledged abuses, and also to inquire into grievances alleged to exist. Lord Gosford's endeavours in that province were met by the House of Assembly by conduct which I shall not characterise. It was not calculated, I may observe, to maintain a spirit of conciliation and moderation between the parties, and which it was the object of the Government to promote, and the object of Lord Gosford in every manner to extend. The truth was, that the leaders of the House of Assembly were not disposed to acquiesce in any proposition which did not involve a surrender of the province. After the failure of those efforts, the matter was referred to the Imperial Parliament, and by it a decision was pronounced respecting it. Soon after that decision an opportunity was afforded to the House of Assembly to retrace its steps. Some moderate men were anxious to adjust those differences, but the attempt failed, and the House of Assembly adjourned in August, taking up its position on the different demands to which I have alluded. Such, then, is the result of the efforts that have been made; and I need not say—for it is sufficiently notorious, from the papers which are on the table—that at this moment one part of the province is in direct resistance to the arms of the Sovereign. There are circumstances favourable now which at other periods did not exist. I say this notwithstanding the calamity which has occurred in Lower Canada, and the result of which I most deeply lament; yet there are circumstances which have occurred within the last two or three years, in the other provinces which are of no small moment. The result of the mission of Lord Gosford had produced beneficial effects upon the French population in Lower Canada. A few years ago these were scattered through the province, and in Quebec many persons who were allied and joined with the efforts of the agitators, but who had since, perceiving the course which the Government pursued was that of dealing fairly towards all parties, quitted the ranks of the agitators, and supported the Government. The consequence was, that the feelings of discontent which were scattered over the province were latterly confined to Montreal, and the rest of the country had been free from agitation. With respect to the other provinces of North America a very different spirit prevails from that to which I have alluded. I need not refer to the statements from Upper Canada to show the feelings of loyalty and attachment to this country. In New Brunswick and in Nova Scotia the same feelings of loyalty are participated in by the whole population. The Governors of those provinces state, that it is impossible for anything to exceed the enthusiasm with which the people there expressed their determination to give their support in upholding the connection with Great Britain and the rights of the Sovereign of this country. These are circumstances of no small moment when we have to consider the calamity which prevails in Lower Canada. Now, my Lords, with respect to the insurrection which has broken out in Lower Canada, I know that it has been said, that Government has shown a want of precaution in looking to that issue. It has been said, that there ought to have been a greater supply of forces in Lower Canada last summer, and we ought naturally to have expected some commotion when the resolutions which were passed last Session became known. With respect to want of precaution I have now to state, —and I do so in allusion to a question which was asked by the noble Baron opposite (Lord Ellenborough), in reference to the dispatch of November, 1836—that I fulfilled the promise given in that letter; and although I am not at liberty to produce the dispatch, I am at liberty to state, that I expressed an opinion in reference to this matter, and that I referred not to the possibility, but the probability, that it might lead to excitement; and in that dispatch I suggested to the Governor, I pressed upon the Governor, to communicate with Sir John Colborne as to any military preparations that might be necessary—not anticipating such alarming circumstances, but merely some temporary disturbances. [Lord *Brougham:* The date.] February, 1837. That letter referred to a letter by Lord Gosford, transmitting an account of the meeting and the separation of the Assembly. It was in consequence of that letter, and of the address of the House of Assembly, that I felt it necessary to consult with my Colleagues as to the measures which Government ought to take on the whole of the Canada question. Of course, in consulting with them no time was lost in maturing measures, and, after that had been done, in communicating them to Lord Gosford. But, my Lords, the charge made relative to the force in Lower Canada proceeded on an assumption that that force now there is inadequate. Now, I beg leave to deny, that it is at all established, that the force in Lower Canada was inadequate. Certainly there is no proof of that fact; and so far as the accounts have reached us, it is clear that the force in Lower Canada is adequate or nearly adequate to suppress the insurrection. However I may be inclined to bow to the opinions of persons of such weight and authority, I must be allowed to claim for the Government the benefit of the actual state of things in Lower Canada. But independently of that circumstance it may be observed, as appears in these papers, that in March last I announced to Lord Gosford the intention of the Government to send out two more regiments to Lower Canada, and in a subsequent month I announced to him, that that intention had been relinquished. It has been argued from this, not only that the Government had changed their previous intentions, but it has also been assumed, that they did not think it necessary to make any addition to the troops there. In the same dispatch, however, there is a letter enclosed to the Governor of Nova Scotia, requiring him to comply with the requisition of Lord Gosford, and the Governor of Lower Canada is directed to apply to the Governor of Nova Scotia for any force he may require. The change was simply this—instead of sending troops direct to Quebec, the Government decided upon drawing them from the other provinces, in order to supply Canada sooner with a sufficient force. But denying, as I do, the fact of the inadequacy of the force, I may observe that my view of the question is confirmed by the conduct of the authorities in that country. I do not wish to throw from myself any part of the responsibility that belongs to me, but I do not conceive it to be any inculpation of those authorities that, having the power to procure forces, if they required them, the necessity not having arisen, they did not avail themselves of the power which was placed in their hands. In the month of March the authority to Lord Gosford was express; he was in communication with Sir John Colborne, a most experienced officer, and Lord Gosford said, after communication with that gallant person, that he did not think it necessary to avail himself of the power. Three months afterwards, however, he thought right to exercise that power to the extent of one regiment, both Lord Gosford and Sir John Colborne being of opinion that a greater force was not required. At a late period in November he found it necessary to make a demand for a larger force, and in doing so no doubt he was actuated by a sense of the necessity of such a force being placed in the province. Now, my Lords, my argument is that the authorities in Canada acted not blameably, but from a persuasion of a necessity of the case, and upon their judgment I consider myself justified in saying, that till the month of November there was no necessity for any troops beyond those which it was in the power of the government to obtain from the adjoining provinces. But believing this to be the case I must further add, that, distressing as the events that have occurred may be, it is some consolation to think that the result in one respect is most satisfactory, namely, that of showing how completely entitled we were to rely on the affection and support of the British colonists. I confess, my Lords, that nothing in my opinion would be more to be regretted than that we should have dispatched an overwhelming military force with those resolutions which were passed by the House of Commons during the last session. By adopting such a course we should have told the world we were satisfied of the impropriety of those resolutions, as we did not venture to communicate them to the lower province without accompanying them by an overwhelming force. The adoption of such a course would have placed us in an improper position in the eyes of the world; it would have encouraged the attempt made in this and in the other country to persuade people that our policy had for its foundation, and that we relied for support alone, on our military force. So far from this being the case, I am happy to say, it appears that, whatever may at this moment be the discontents of the colonists, the great security of the British colonial empire rests upon the well-tried allegiance and fidelity of our fellow-countrymen in the colonial possessions of the country. My Lords, I cannot pass from this part of the subject without expressing my utmost satisfaction at the manner in which Lord Gosford and Sir J. Colborne have conducted themselves throughout the painful times and circumstances in which they have been placed. Lord Gosford has been in a most difficult situation; he has been in such a position as to be almost compelled to give offence to both parties, yet he has conducted himself in a manner which will receive the approbation of all. I am persuaded that his conduct will give satisfaction when the asperities of both parties have given way to a better state of things; it will then be acknowledged that he has shown great moderation, with a laudable desire to conciliate; but that when the occasion required it he did not fail to manifest the proper degree of firmness and a resolute determination to support the honour and character of the British Crown. Of Sir John Colborne it is not necessary to speak; his character as a military man is too well established to require any eulogy from me. Such being the state of things, such being the situation of affairs in that colony, the district of Montreal by the latest accounts appearing to be in a state of revolt, it becomes us to consider in what manner we ought to act in this crisis. With respect to the immediate suppression of the insurrection, it is to be hoped there are the means (and the latest accounts justify us in that hope) in the power of the local Government to bring that state of affairs to a successful issue. But then the question arises, what course ought we to pursue with respect to the general government of the colony, in order to ensure its future prosperity? At present the actual Government may be said to be in a state of abeyance. For some years past the Legislative Council has been superseded by the conduct of the House of Assembly. It would be idle to think of again calling together the present House of Assembly, and it would be as idle to hope for any good result from a new election. It is impossible, however, to leave the Government in its present position. It is necessary we should have some sort of Government in its place—some legislative body. It appears to us that a provision ought to be made for the supply of that which may be adequate to the exigency, and that it should be limited to the exigency. It is, therefore, proposed to do by law what practically has been done by the assembly itself—it is proposed to suspend for a given period of time so much of the Constitutional Act of 1791 as relates to the functions and constitution of the legislative authority. It is proposed to place the legislative authority in a governor and council during a given period of time, three years, and during that period to direct that the laws which may be passed by that authority shall not be of a permanent character, but shall partake of the temporary nature of the authority itself. It is also provided, that it shall be competent for her Majesty, at any time prior to the expiration of that period, to restore the free constitution. Such, my Lords, is the temporary expedient proposed as a substitute for the constitution which has been for some time suspended. It is undoubtedly, my Lords, a measure of severity — it is an arbitrary measure; but I submit it is a measure which is absolutely necessary under the existing circumstances. It is a measure that is due for the protection of the English population in that country, and that is necessary to the preservation of the common bonds of society. But, my Lords, it is not enough to provide a merely temporary expedient—it is right that we should look forward to that period when tranquillity may be restored—it is right that we should contemplate the time when the functions of a free constitution may be resumed. Let it not be imagined that it is quite inconsistent with a measure of this nature that at the same moment that we contemplate it we look forward to the period when a better system may be substituted. Though it may be advisable to enact a measure of severity, let us also entertain the hope and intention of returning to a better state of things. The question, then, is, what steps are necessary to be taken? With respect to the restoration of peace in Lower Canada, and the settlement of those questions which now agitate that province, the interests of

Upper Canada, must of course, be taken into consideration. In taking steps with a view to a permanent settlement of the affairs of Lower Canada reference must be had to all those questions which are equally applicable to the upper province. The various questions affecting the two provinces are of such importance as to require from Government the strictest attention. Amongst others there are the navigation of the St. Lawrence, the duties by which the commerce of two provinces is to be regulated, their railroads, their bridges, their internal communication, and their monetary system. It is at the same time essential that the disputes between Upper and Lower Canada should be put an end to. Various plans have been suggested for the attainment of these objects. Among others it has been proposed that the lower province should be dismembered, that the city and district of Montreal should be annexed to Upper Canada. This, of course, my Lords, is not a plan which we can entertain, and I do not know that it would tend to reconcile the feeling of both parties; but I believe rather that it would have the effect of transferring the feuds of Lower Canada to the upper provinces. Another proposition which has been much insisted upon is a legislative union between the two provinces. To that there are very strong objections. The great extent of the two provinces, the difference between the habits of the people inhabiting them, the great inconvenience of meeting at such a distance as the common place of resort must be, and other objections of a formidable nature, appear as obstacles to this plan; and, above all, it is not likely that the upper province would consent to such an arrangement.. A better prospect might be obtained by a federal union; this would have a very considerable effect in adjusting the disputes between the provinces. It would give the upper province a just influence over those great questions to which I have alluded, and would I should think, satisfy the inhabitants of that district. It would, at the same time, by bringing together the natives of the two provinces to discuss measures of mutual interest, induce them to give their attention to subjects of greater importance; it would enlarge and liberalise their views, and raise them above those narrow and local questions which have hitherto divided them. But, in this, also, I am not aware that the upper province acquiesces; and it is, therefore, my Lords, proposed that something analogous should be attempted by the Governor who is selected by her Majesty for the Government of Lower Canada. It is proposed that the Governor be authorised to invite from the two provinces persons who may be justly supposed to represent the feelings and wishes of the people of the two provinces, and to consult them as to the measures it may be advisable to adopt, both with regard to the constitution of Lower Canada, and for the purpose of some arrangement of those matters, which are of common interest to the two provinces. If it be asked what advantages are to be gained from this proposal, I answer that in some respects I have touched on them in adverting to the federal union; and though, in a far greater degree, something similar may, I think, be effected. At all events, the Governor may be able to ascertain what opinion the two provinces entertain with respect to the constitution originally given to them, and with respect to those amendments—some amendments being admitted on all hands to be requisite —which it is desirable to effect. It is at the same time probable that he will be able to submit to Parliament measures relating to the adjustment of existing differences. [The Earl of *Ripon:* When?] Of course it will be for the Governor to choose the time. The proposal is, that he invite both Legislatures to nominate a certain number of persons.

The Earl of *Ripon* inquired what arrangement would be made, supposing the House of Assembly to be suspended?

Lord *Glenelg:* the Legislature of Lower Canada being suspended, it is proposed to endeavour to obtain some persons who will fitly represent the opinions of Lower Canada. The mode suggested is, that the Governor call on the electors of Lower Canada to elect proper persons. There are now five districts in Lower Canada, from which we propose to have these representatives chosen under the present franchise by the whole of the present electors. At the same time a power is to be given to the Governor to select the best time in which to call for an assembly of the electors. Such, my Lords, are the outlines of the measure which the Government proposes to carry into effect. This latter part, as I have stated, will, of course, not form an enactment in the Bill; but it is considered to be an essential part of the plan. Having stated generally the manner in which the Government are prepared to meet the present emergency, I shall now merely refer to the motion I intend to propose to your Lordships, and I do not think it necessary to enlarge on that subject, for I cannot but persuade myself that your Lordships will at once accede to it. His Lordship concluded by moving the address which he had read at the commencement of his speech.

Lord *Brougham* spoke as follows* My Lords,—The part which I had the honour to bear last summer in this House, when the Commons sent up those ill-fated resolutions to which I trace the whole of the present disasters, impels me to present myself thus early, and to obtrude upon your Lordships my sentiments regarding the important question before you. And, my Lords, I wish that, in following my noble Friend over the ground which he

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* From a corrected edition, published by Ridgway, with the following preface as a defence of the noble Lord, which it seems right to preserve;—

It has been considered right by many of the friends of peace and of liberal policy, to publish this speech separately, chiefly in order that the attention of men may be directed to the important questions connected with the future lot of the North American colonies, when the ferment excited by late unhappy events shall subside. The whole history of these transactions is calculated to throw light upon the inevitable mischiefs of extended colonial empire; and there is a further argument of the same kind derivable from the unquestionable fact, that in even the reformed Parliament the misgovernment of a remote and unrepresented province, has encountered but very little opposition from many of those who are always found most reluctant to suffer the least oppression if attempted upon any portion of the mother country.

The comments which this speech contains upon the conduct of the Government have been complained of—as if Lord Brougham had some duty to perform of suppressing his opinions upon the most important questions that can occupy the attention of statesmen; and as if especially the Colonial Minister had a right to complain of strictures openly made upon his public conduct.

It is, however, well known, that Lord Brougham never showed any disposition to censure the present Government until they adopted a course wholly at variance with his oftentimes recorded opinions. As long as he could support them, the history of Parliament shows that he rendered them every assistance in his power; nor did he ever while in office exert himself more or spare himself less than in their defence in 1835, and in carrying through the House of Lords the great measure of Municipal Reform.—In the summer of 1836, he refrained from all complaint when he saw his measures for preventing pluralities and non-residences abandoned, and a Bill introduced upon opposite principles.—In 1837, he continued to lend them support on all but one or two occasions, when it was impossible to approve their conduct—and on the Canada resolutions especially, last May, he was compelled to oppose them—a duty which he performed with manifest reluctance. He had during that Session, 1837, expressed his opinions upon the necessity of altering the Reform Bill in essential particulars, and especially of extending the elective franchise. The present Session was unhappily opened with a declaration on the part of the Government as a body, that they took a view wholly different from that of most reformers; indeed, of the great body of the Liberal party throughout the country. To this has been added their support of a policy by which the rights of the subject are invaded, and the maintenance of peace itself put in jeopardy. They who complain of Lord Brougham—(the Ministers themselves are assuredly not of the number)—for adhering to his declared opinions, are respectfully requested to assign any reason why he should abandon his own principles—those which he has maintained, without the least deviation, throughout his whole life—merely that he may support the Ministers who had most conscientiously no doubt, though for the country most unfortunately, seen fit to adopt other views. Thus much as to the claims of the Government at large, not only to form new opinions, and follow an altered course, but to carry along with them others whom their reasonings have wholly failed to convince.

Now, as to the Colonial Secretary, the party whose conduct is principally involved in the question of Ministerial responsibility for the present state of the North American provinces;—It is well known that Lord Brougham never showed any backwardness in coming down to his defence when he observed him unjustly attacked. No man can be better aware of this than the noble Lord himself; with whom, however, it is understood that Lord Brougham never had any intercourse save that of an official nature while a Member of the same Government. But they who complain on the noble Secretary's behalf (he himself, assuredly, is not of the number), are respectfully requested to assign any reason why full licence having been always allowed him, and some of his principal colleagues, to form their own opinions—with them to oppose Parliamentary Reform up to the 1st March, 1831—to defend the Manchester massacre—to support the Six Acts—to remove Lord Fitzwilliam from office for attending a Parliamentary Reform meeting at York—to oppose Lord Brougham's motion on the case of Smith the missionary—why, those noble persons having without any blame whatever been suffered formerly to hold such courses—and having, so has just trodden, I could confine myself to the space he has travelled over without trespassing upon other more delicate parts of it. But it never seems to have struck him that when a Minister of the Crown comes to Parliament with a proposition, not merely such as the address contains, but such as we are warned is to follow swiftly upon the address—a demand of extraordinary aid for the executive Government — measures of a high prerogative and unconstitutional kind—it never has struck him, that the Minister who resorts to Parliament for the help of its extreme powers, in applying remedies of the last description—has something more to do then merely to ask for those remedies and shew their necessity—that he has to explain whence the necessity arises; to defend the conduct which has led to this crisis in our affairs; to repel from himself and the Ministry whereof he is parcel, the charge of having brought the colonial Empire committed to his care, into such a state, that we are assembled at this unwonted season, for the purpose of quelling a rebellion in the principal settlement of the Crown, preventing if we can the recurrence of disaffection, and suspending the free Constitution of the province, in order to secure its peace. Are these every-day occurrences? Are revolt and civil war of such an ordinary aspect that they pass over us like a summer's cloud and be regarded not? Are the demands of despotic power by the Crown, and the suspension of the whole liberties of the subject, mere matters of course in the

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happily for the country, and so honourably for themselves, adopted a different line of policy from November 1830 to November 1837, Lord Brougham alone should be complained of, for continuing since November 1837 to abide by the very same principles which he had not taken up for the very first time in November 1830, but held in all former times? It is respectfully asked, what right they who now complain of Lord Brougham for differing from the noble Secretary of State, have to expect that he should rather differ from his former self, than from his former colleague; and while yet unable to partake of the convictions that have come over others, should abandon that devotion to the cause of freedom, and of peace, to which his public life had been consecrated?

The accident of members of a party feeling themselves under the necessity of opposing, upon some great occasion, those with whom it is their general wish to act, although unfortunate, is by no means unprecedented. When, in consequence of their friends being in office, almost all the Whigs were found, during twelve months of the last war to relax in their desire of peace, retrenchment and reform, Mr. Whitbread—a name never to be pronounced without reverence and affection by Englishmen—alone opposed the measures of the Administration, that he might adhere to his principles. In 1820, Lord Brougham declared in his place, that he stood wholly aloof from his party, on all that related to the case of the late Queen, because there appeared a danger of her interests being, without any blame, sacrificed to other, possibly more important, considerations. There seems no good reason why he should not pursue the same course, when it is understood, that he now very sincerely, though perhaps quite erroneously, believes a sacrifice is made of principles, incomparably more important—the most sacred principles which used to bind the Liberal party together; and when so many men are firmly persuaded that, but for the accident of the party being in office, they would have joined in pursuing the same course which Mr. Fox and Mr. Burke followed with such signal glory in the former American war.

It is probable, that Lord Brougham, in choosing to continue in that course, has had little fear of thereby impairing the strength of the present Government—that may be greater or it may be less; but there can be very little chance of any diminution befalling it, while its party supporters, be they more or less numerous, both in Parliament and in the country—more especially in many of the corporations—appear to be so firmly held together by the common principle which guides their conduct. That principle is one in some respects well grounded, and forms indeed the foundation of all party connexions. When not pushed too far, it is justifiable and it is useful. It teaches men to overlook minor differences of opinion, for the purpose of effecting common objects of superior importance, and warns them against the fatal error so well described by Mr. Fox, of giving up all to an enemy rather than anything to a friend.—It is, however, equally manifest, that the abuse of this doctrine may lead to a justification of the very worst misconduct—may be used as a cover for the most sordid speculations of private interest—and may sap the foundation of all public principle whatever. It is to be hoped, that the party zeal of those above referred to, may not lead them to such excesses. But for the present it does appear to have made the most grave questions of national polity—retrenchment—slavery—colonial rights—constitutional principle—peace itself—all sink into nothing compared with the single object of maintaining a particular class of men in power—and invested with the patronage of the Crown, as well as intrusted with the affairs of the empire.

conduct of Parliamentary business? Are such demands as these to be granted the instant they are made, without any question asked—without one word said upon the antecedent parts of the novel and portentous case—without any attempt whatever to explain or to defend the maladministration which has terminated in the necessity of those demands—without even one allusion to the obvious questions—who caused this disastrous state of things?—whose fault is it that such powers are become requisite?—whose misconduct caused the rebellion to burst forth?—whose neglect of all timely precautions fostered discontent till it ripened into disaffection?—whose unpolitic councils first stirred up the discord—and whose misapplication of the national resources fanned the disaffection into a flame? Yet, strange to tell! looking from the beginning to the end of my noble Friend's statement, distinct and lucid as it was—to this hour I cannot descry one explanation offered—one justification attempted—one position taken or defended with the design of protecting himself against the charges which have rung all over the country for weeks, from one end of it to the other, and all pointed against him and his colleagues in the service of the Crown! But, my Lords, I cannot consent so to abandon my duty, as to pass this matter thus over. I feel myself bound to enter upon the subject of these charges at once. I cannot follow the Colonial Minister in the course which he has found it convenient to take of flying away from the real matter in discussion, or allow him to claim the extraordinary and unconstitutional powers which he asks, as if he were discharging some common duty of mere official routine—moving for yearly returns—laying sessional papers before the House—or calling for a vote to supply the yearly expenses of his department in the ordinary circumstances of tranquil times. There was, indeed, one remark made by him that might seem an exception to the account I have given of his speech. He attempted some defence against the great and leading accusation of having sent over the offensive resolutions and providing no force to support them. But I shall presently show your Lordships that the explanation he gave made his case much worse, and that he left the charge more grave and formidable if possible than he found it.

I will now come to the course of his proceedings at large, and first of all to the interval alluded to by the noble Baron opposite (Lord Ellenborough), when we last met—the period which elapsed between the dispatch of the 20th of November 1836, promising instructions to the Governor of Canada, and the 11th of March, 1837, the date of the next dispatch.—It is not true, says the noble Lord, that near four months elapsed between the promise and the non-performance (for the dispatch of March gives no instructions); a small interval only occurred; a letter was written about the middle of February, but it was private and cannot regularly be produced or even alluded to, says the noble Lord. A shorter production than that of March—shorter in point of physical dimensions for one falling shorter of its purpose there could assuredly not be—but mathematically smaller.—

Lord *Glenelg*.—I beg pardon; I did not say a shorter dispatch.

Lord *Brougham*: Really, then, I must say, this is the most extraordinary mode of selecting papers for the information of the Parliament or the exculpation of the Ministers, that in my whole life I ever heard of. The dispatch of March, which is of no value whatever, which tells absolutely nothing, is produced. The dispatch of July, which may be of some value, and may tell something (I cannot know that it does till I see it), is withheld. Why is it not here with the other? My noble Friend affirms, that it has something in it; at any rate that it is long; and he is exceeding wroth with me for curtailing it of its fair proportions. Anxious, like a good parent, for the credit of his offspring, he extols its size, without, however, letting his natural partiality carry him the length of asserting that its value is in proportion to its bulk. Nevertheless, I will, if he pleases, assume it to be so. I will suppose that, instead of containing nothing, like its predecessor of November and its successor of March, and, indeed, that long train of phantom letters which followed each other "stretching out to the crack of doom," it really told the provincial governor something of the intentions of the Ministry; something of the course he was to pursue;—then, I ask, why we have it not produced, that we, too, may know what that something was which was thus conveyed across the Atlantic at a critical moment, a year ago? Why are we not to see that which tells something and only that which tells nothing at all? That is my question; a simple one, and I should think easily to be answered; and if my noble Friend will give it an answer, I shall readily pause in order to be spared the necessity of dwelling longer on this point of debate, willing enough, God knows, where there remain so many others which it is impossible to pass over, that I should be spared the task of dealing with any one which is superfluous. The mysterious description of this letter is to me incomprehensible, as given by my noble Friend. It was a private one. But what can that signify? Whether a dispatch begins My Lord, or My dear Lord, and ends with "the Honour to be,"—or with "Your's truly"—I had always thought made no kind of difference in its nature, provided the matter of it was public business. The test of production is the letter relating or not to the affairs on which the Parliament has been convoked, and the Sovereign is to be addressed. Nor did I ever yet hear of any Minister refusing to produce a paper, whatever its form might be, which bore that relation, unless, indeed, he had his own reasons for suppressing it. But to refuse it on the pretence of its being private, and yet to use it as a proof that the promise of November was fulfilled in February, while the only papers produced shew that it was never fulfilled at all, is one of the most extravagant draughts ever made upon the unsuspecting confidence of Parliament.

It is on the 20th of November, then, that a promise of ample instructions is given to the governor. The next dispatch produced is on the 11th of March; when, instead of fulfilling the promise, now four months old, new promises are made, new hopes of instructions held out, to be realised as soon as the decision of Parliament shall be pronounced upon the case. The promissory letter of November, and the promissory note of February, are, as it were, renewed, but at an uncertain date. When was the decision of Parliament asked? As early as the 6th of March, and after passing some of the principal resolutions, including, indeed, the most material of the whole, that refusing an elective council, the Easter recess comes to the relief of the Colonial Department, and Parliament is adjourned. But it meets again on the 6th of April, and assuredly neither before nor after the vacation does it testify any great reluctance to comply with the Ministerial desires From all parts of the country the Members flock to their support against the hapless province which has been denounced. From all parts of the empire the Parliamentary host assembles. Does there appear in any quarter a disposition to be over-nice about the votes given—over scrupulous as to the principles asserted? Do any of the Ministerial supporters, of that staunch and trusty band to whom the Government is indebted for its majority—betray any squeamishness what measures they shall sanction—what votes they shall give? Is any wish betokened to scrutinize very narrowly the plans or the propositions of the Cabinet before they declare them unexceptionable? On the contrary, so the Ministers leave the concerns of the Sister Kingdom untouched, and administer its more practical affairs to the taste of its Representatives—there is no inclination whatever evinced to make any kind of difficulty about any kind of measure—how violent soever, how coercive soever,—that may be propounded for quelling the spirit and completing the misgovernment of any other portion of the whole empire. I confess myself, then, quite unable to comprehend why all this delay of the necessary orders should be made to turn upon the affected ignorance of what course Parliament was likely to take upon resolutions which were sure to be carried through the one House by unexampled majorities—through the other with scarce a single dissentient voice. Yet still not a word is wafted across the ocean more substantial for the guidance of the unhappy governor, than empty promises of orders—notices that some instructions will hereafter be sped towards him. This system, I own, puzzles me not a little. I can well understand the use of notices where there is to be debate and resistance to your propositions. When a question is to arise upon what you propose, that its merits may be discussed, and that its adversaries may be warned to attend the controversy. I can easily conceive the use of giving them intimation; though even then such intimations as the dispatches give, specifying no time at all, would be of no great avail. But what sense can there be in giving your servant a general notice of orders to be afterwards issued, when all he has to do must be, not to debate but to obey? Does he require notice in order to make up his mind to comply? Or is he called upon to consider in the interval, whether he shall resist or do as he is bid? And yet the noble Lord's dispatches are stuffed so full of mere notices, that I know of nothing in this respect at all equal to it unless it be the order book of the other House of Parliament on the first day of a Session after a general election. The notice, however, being given, and the promise made in November, in the fulness of time, at the end of April, comes the expected dispatch; a six months' child is brought forth,—it makes a cry,—struggles for life—and is heard no more. I defy the wit of man to suggest the purpose of the November dispatch, or of the March one, which, instead of instruction, conveys merely a report of the divisions in the Commons, as the newspapers would have done with equal, and the original document, the votes, with greater, authority; but still less can any one divine the purpose for which the dispatch of April was called into a premature and precarious existence; for, instead of redeeming the oftentimes repeated pledge by letting the Government know what he was to do, it merely brings down the report of the divisions, and adds carefully the yet more useless information of the lists of the Members' names. The resolutions, says my noble Friend, have all been passed, by large majorities, and I enclose, "for your Lordship's information, extracts from the proceedings of the House, containing a statement of the several divisions which have taken place on this subject since I last addressed you." Then as to the introduction of the Bill itself, that it seems "must be postponed till after the opinion of the House of Lords shall have been taken;" about which there seems to be entertained some doubt, to me, I confess, rather unintelligible, considering that but one voice was at all likely to be raised in this place against any of the resolutions. But the noble Lord adds, "I have every reason to anticipate that the Bill will be submitted to Parliament within a very short period," and this was written on the 29th of April. Then come promises in abundance. "So soon," says my noble Friend, "as the resolutions shall have been disposed of by the House of Lords, I shall address to your Lordship full instructions on the steps which should be adopted under existing circumstances, especially with reference to the composition of both the legislative and executive councils. Your Lordship may rely on receiving them in ample time, to enable you to prepare for the meeting of the Legislature." Did he rely on receiving them in time? I know not—but if he did he was grievously deceived. I shall presently shew your Lordships that he did not receive them till long after the Parliament had met and been prorogued, and I shall demonstrate that most fatal effects were produced by these instructions not arriving. After adverting to the time of the Colonial Legislature meeting, and stating that the Governor was the best judge of this, the dispatch goes on to say:—"I shall however, distinctly advert to this point in connexion with the other matters on which I shall have to address your Lordship, and I only refer to it now that you may be aware it will not be overlooked." Really, I can hardly admit that this would be the necessary effect on the governor's mind of such a reference; so many things had been so often referred to, all of which had in succession been entirely overlooked, that I am rather apprehensive, the reference to this question (which, by the way, it is admitted Lord Gosford alone could decide), frustrated its own object, and was fitted to make him expect that this point of future instruction would be overlooked like all its predecessors. But another reason is given for the prospective reference—"and in order that your own attention may be directed to it in the meantime." To it? "To what?" exclaims the governor, "for as yet you have told me nothing. How shall I direct my attention in the mean time, to that of which you withhold from me all knowledge?" The thing seems incredible, and we must keep the eye steadily fixed upon the original document lest unbelief get the mastery of us. "With a view," the dispatch proceeds—for there was a view with which Lord Gosford was to keep his attention fixed upon an unknown instruction, to arrive at an uncertain time, he was to ponder upon the question of the time of meeting Parliament which he alone could solve, directing his attention to the instructions on that subject, to be sent by those who could form no judgment upon it, and in utter ignorance of the purport of those instructions on which he was to be all the while reflecting. And what think you, my Lords, was this view with which he was to attend and reflect? What was the reason why his attention should be fixed upon nothing, why his eyes should be directed to glare upon darkness or vacant space? "With the view," concludes this unparalleled letter, "to the sound exercise of that discretion"—some faint semblance there is here, the approach, at least, of some definite matter—but it vanishes instantly like all the rest—"that discretion which it may probably be expedient to leave in your Lordship's hands, with regard to it!"—So the governor is informed that at some future, but uncertain, time, he shall be told something of importance which is carefully concealed from him; the reason, however, is given for warning him that he may expect it, namely, that he may be enabled to occupy the awful interval between reading what tells him nothing, and receiving what is to tell him he knows not what, in making up his mind how he shall act in unknown circumstances, upon undisclosed instructions, and exercise "a sound discretion" upon the undiscovered matter, there being a grave doubt intimated in the same breath, whether or not any discretion at all may ever "be left in his hands." To such orders was Lord Gosford's conduct subject; by such instructions was he to be guided; in such circumstances, and leading to such results, was his discretion to be exercised. My Lords, let us in justice towards an absent man—let us in fairness towards one, who, because he is absent, is by the common proverb, so little creditable to human candour, assumed to be in the wrong—pause for a moment, to consider whether one so situated and so treated, even if his conduct had been the most defective, and had the least satisfied his superiors, would justly have been visited with blame, or at least let us say whether the blame, must not have been largely shared by his employers? Mark, I beseech you, in what position he is left. Sent to the advanced posts of the empire—at a distance from the seat of Government—far removed from the wisdom, the vigour, the resources of those councils which rule our affairs—unprovided with any but the ordinary force of the colony, the force adapted to peaceful times; and with this inadequate force appointed to meet a crisis brought on by his employers, a crisis unparalleled in the affairs of the province—mark, I say, the helpless position of this noble person, so unaided by adequate resources, so surrounded by extreme perils, and instead of being instructed how he is to act, told by those who first planted him there, then surrounded him with danger, and at the same time refused him help to meet it, that at a future day he shall be informed how he is to comport himself; that for the present he is to know nothing; and that he may be making up his mind by guess work how he shall act when he may be told what he should do! But my Lords! I say it is not Lord Gosford only, whose situation you are to mark and to compassionate—Look to the provinces committed to his care! If you will have dominions in every clime; if you will rule subjects by millions on the opposite sides of this globe; if you will undertake to administer a Government that stretches itself over both hemispheres, and boast an empire on which the sun never sets—it is well. Whether this desire be prudent or impolitic for yourselves, I ask not—whether its fruits be auspicious or baneful to our own interests—I stop not to inquire; nor do I raise the question, whether to the distant millions over whom you thus assume dominion, this mighty and remote sceptre be a blessing or a curse. But of one thing I am absolutely certain; at all events this resolution to have so vast an empire imposes upon you the paramount duty of wakefulness over its concerns—it prescribes the condition that you shall be alive to its administration—vigilant at all times—that you shall not slumber over it, neither sleep, nor like the sluggard fold the hands to sleep, as if your orders were issued to a district, each corner of which the eye could at each moment command—or a kingdom, the communication with all parts of which is open every day and every hour, and where all the orders you may issue, are to be executed in the selfsame circumstances in which they were conceived and were framed. That is the condition upon which such mighty empires must be holden—that is the difficulty which exists in the tenure; hard to grapple with—perilous to be possessed of—not wholesome it may be, either for the colony or the parent state, should they long remain knit together—but at all events the condition, *sine quâ non*, of having to administer such arduous concerns.

But let us, my Lords, resume the history of these transactions. The resolutions were introduced and in part were adopted by the Commons, on the 6th of March. Parliament having re-assembled on the 6th of April, they were not brought before your Lordships, till the 9th of May, when you passed them with only my dissenting voice. Now both Lord Gosford and the Parliament had been assured that the resolutions should be followed up by immediate action, as indeed the plainest dictates of all sound policy required, and that the bill to make them operative should be introduced without delay. Was it so? Was any thing like this done? No. Nothing of the kind. Day after day passed; week after week glided away; and up to the middle of June, when the lamented illness of the Sovereign ended in a demise of the Crown, no one step had been taken to convert the resolutions into a legislative measure. Yet did any man living doubt what the inevitable effect of these resolutions must be? They were not conciliatory, they were any thing but conciliatory.—They were coercive, they meant refusal, they meant repression—or they meant nothing. They imported a repulsive denial of the Canadian's prayers—a peremptory negative to his long pressed claims—an inexorable refusal of his dearly cherished desires. This might be quite right and necessary. I don't now argue that question—but at any rate it was harsh and repulsive. Nor was there the least accompaniment of kindness, the smallest infusion of tenderness, to sweeten the cup which we commended to his lips. His anxious wish was for an Elective Council. This was strongly, unequivocally, universally expressed. Far from relaxing, the feeling had grown more intense; far from losing influence, it had spread more widely year by year. Instead of being expressed by majorities in the Assembly, of two to one, of the people there represented, after the last dissolution that had increased in the proportion of fourteen to one, the representatives of 477,000 against those of 34,000 only. Never let this fact for an instant pass from the recollection of your Lordships—it lies at the root of the whole argument, and should govern our judgment on every part of the case. It is a fact which cannot be denied, and it indicates a posture of affairs which all attempts to change must be vain. How were the resolutions formed to meet this state of the public mind? How did the Parliament, the Reformed Parliament of England, meet the all but unanimous prayer of the Canadian people? By an unanimous vote of this House, by a majority in the other, nearly as great as that which in the provincial Parliament supported the improvement so anxiously solicited, the people of Canada were told that they had no hope, and that from the parent state they never would obtain the dearest object of all their wishes. But was there on the other hand no tenderness displayed to soften the harshness of the refusal—no boon offered to mitigate the harsh, the repulsive, the vexatious act of turning to their prayers a deaf ear, and putting an extinguisher on all their hopes? There was. You had given them in 1831 the power of the purse; had told them that they should no longer have to complain of possessing the British constitution in name, while in substance they had it not; had "kindly and cordially," such were your words, conferred on them a privilege that should place them on the self-same footing with the British Parliament, secure to them the substantial power of granting, postponing, or refusing supplies, instead of the mere shadow of a free constitution, which they had before been mocked with. You had told them that in future the means were their's of protecting their rights from encroachment; that they could thenceforth enforce their claims of right; that they could insist upon redress of their grievances by withholding supplies, while the redress was refused. But what do you offer them in 1837, by way of sweetening the bitter refusal of their prayer for an Elective Council? You absolutely mingle with this nauseous potion, not a repeal of the act of 1831, but a declaration that for using its provisions—for exercising the option it gave of refusing supplies—for employing the powers it conferred, in the very way in which you intended, or at least professed to intend they should be employed, to enforce a redress of grievances,—you would set the act and all its provisions at nought, appropriate their money without their consent, and seize their chest by main force, in spite of their teeth, because they had done what you took credit six years ago for giving them the right to do—withheld their money until they had obtained redress! Such were the resolutions; such their import and intention. I am not now arguing their merits. I am not about proving their monstrous cruelty—their outrageous injustice. But I ask if any human being ever existed in this whole world moon-stricken to the excess of doubting for one instant of time, what must be the effect of their arrival in Canada? Some there may be who viewed them with a more favourable eye than others; some who deemed them justifiable, some even necessary; while others abhorred them as tyrannical and without the shadow of justification; some again might apprehend a more instantaneous revolt to be risked by them than others dreaded, and some might differ as to the extent and the efficacy of that commotion; but where was the man of any class, whether among the authors of the resolutions, and their supporters, or their enemies, or the by-standers, among those of liberal principles who were struck with dismay at the shame in which their leaders were wrapt, or among those of opposite opinions who exulted to see the liberal cause disgraced and ruined—where, I demand, among them all was the man endued with understanding enough to make his opinion worth the trouble of asking for it, who ever doubted that the arival of these detested resolutions in Canada must be the signal of revolt, at least the immediate cause of wide-spreading discontent and disaffection throughout the Province? The event speedily justified this universal apprehension. I might appeal to the ordinary channels of information; to the public papers of America as well as of Canada; to what formed the topic of conversation in every political circle, both of the Old world and the New; but I will only refer you to these papers, meagre and imperfect as they are, for they contain abundant proofs of the fact which I state; and in the face of these disclosures, reluctant and scanty though they be, I will defy my noble Friends to gainsay the statement I have made. I may here observe, that as several of the dispatches give so little information that they might without any detriment to the question have been withheld, so some have manifestly been kept back, of which the Government are unquestionably possessed, and which would throw light upon this part of the subject; although those produced give us plain indications what has been suppressed. Thus the dispatches of the 2nd, 8th, and 9th of September, shew to an attentive reader, as strikingly as anything in the late deplorable Gazettes themselves, the progress of that discontent which has been suffered to break out into rebellion. In the first, Lord Gosford states that he thinks it may become necessary to suspend the constitution—not an indication, surely, of things being in a satisfactory or a tranquil state. In the last of the three letters, he says, "up to this day (not at once, but in a course of time) he has been obliged to dismiss fifty-three magistrates and public officers;" and for what? The magistrates for attending unlawful meetings, and the officers for seditious practices. What state of things does this betoken? And how plainly does it shew that the evil was not of yesterday? Manifestly the dismissals had been going on for a time, and notice of them had been communicated to the Government at home; but how happens it that no other intimation is given of so grave a matter except in this one dispatch? Then in the letter of the 8th September, Lord Gosford describes a Central Committee as having been formed by the disaffected, from which orders were issued to what he calls "*the* Local Committees." The Local Committees! Yet we find no mention whatever of any Local Committees in any of the other letters produced for our information! The use of the definite article plainly shows that the governor had in some previous dispatch described those bodies to which he here refers without any description. When in the same sentence, he speaks of the Central Committee—evidently for the first time—he calls it "*a* Central Committee," and explains its nature. Clearly, then, there has been received some other letter, whether long or short, private and informal, or regular and official, informing the Government of the ominous circumstance, here only alluded to as already well known, of Local Committees having been established throughout the Province. But that other letter is kept back. The information which the supposed dispatch would disclose is not new to me, and it is of deep importance. It points at an organised system of insurrection, and it traces the system to the arrival of the resolutions in Canada. In each parish, parochial committees were formed; in each district, district committees; and these local bodies were under the orders of the Central Committee. But a judicial system was also established: in each place there were appointed arbitrators, called *amiables compositeurs*, or pacificators, to whom it was required that all having suits should resort, and not to the King's courts of justice; or if any party preferred the latter, he was visited by some one who warned him that the Patriots had passed resolutions against suing in the courts of the State; his cattle were marked in the night if he persevered; and a further contumacy towards the courts of the arbitrators was visited with the maiming of his beasts the night after. This system was established and in operation as early as the beginning of September. But there are some plans which cannot be the work of a day, and of these a judicial establishment like this is surely one. We may safely calculate that months had elapsed before the things stated respecting it in these papers could exist. But I know that the plan was not confined to such committees of government, and such irregular tribunals. Men were raised, as was said, for the purposes of police; as, I believe, to be ready for resisting the Government. The pretext was the removal of so many magistrates from the commission of the peace. So that we have here all the great functions of Government usurped by the disaffected;—executive administration provided, judicial tribunals formed, and a military force levied;—and all usurped under the very eye of the Government. Why do I ascribe all these frightful results to the resolutions? My reason is plain—it is in these dispatches. Lord Gosford himself tells you what their effect was, particularly that of the eighth, respecting the money; they who were most attached to the Government, who most reprobated the proceedings of the Patriots, who least favoured the French party, were loud in their disapprobation of that eighth Resolution. I do not marvel at this, my Lords; to me it is no surprise at all; I expected it. I contended against the resolutions; I protested against them; I earnestly, though humbly, besought you not to plunge the country into that civil contention which I saw was inevitable the moment that eighth resolution should pass. To injury of the deepest character, it added what is worse than all injury, mockery and insult. To tell men that you gave them the British constitution, and to brag of your bounty in giving it;—to tell them that they no longer had it in form, but that now you generously bestowed on them the substance;—to tell them that they now possessed the same control over the executive government which we in England have, and which is the corner-stone of our free constitution;—to tell them that you gave them the power of stopping supplies, for the purpose of arming them with the means of protecting their rights from the encroachments of tyranny, and of obtaining a redress of all grievances;—bragging of your liberality in thus enabling them to seek and to get, by these means, that redress; and then, the very first time they use the power so given, for the very purpose for which you gave it, to leave them nominally in possession of it, to pass by it, to disregard it, to act as if you never had given it at all, and to seize hold of the money, to send a file of soldiers and pillage the chest of that fund which you pretended you had given them, and them alone, the absolute power over—this surely is a mockery and an insult, in the outrageous nature of which, the injury itself offered merges and is lost. But I am not now arguing the merits of these ill-fated proceedings. Let them have been ever so justifiable, I have nothing to say against them. They were adopted by the wisdom of Parliament, and it is too late to discuss—it is unavailing to lament it; but this at least we may say, that when such a course as this was taken, known beforehand to the Government, to its advisers who could not be taken unprepared by it—who had been deliberating on it from the 20th November, 1836, to the unknown date of the suppressed dispatch in July, and thence to that of the next not very instructive, but at least forthcoming, dispatch of April 29—the Ministers were aware of the measure they had conceived,—they knew its tendency,—they must have made up their mind to its effects,—they had resolved to inflict the grievous injury and offer the intolerable insult yet worse than the injury. Was there ever yet imbecility—was there ever confusion or want of ideas—ever yet inexplicable policy, (if I might prostitute such a name to such a base use,)—was ever there seen in the history of human blunders and incapacity anything to match this of wronging, and mocking, and insulting, and yet taking no one step by way of precaution against the inevitable effect of the outrage offered, and to prevent the disaffection into which you were goading them from bursting out into revolt, and the revolt from proving successful? The Canadian people are told—You shall be defeated, and oppressed, and scorned, and insulted, and goaded to resent, but care shall all the while be taken that nothing is done to prevent the irritation we are causing from bringing on rebellion, and should rebellion peradventure ensue, no means shall be used to prevent the shedding of blood,—to protect the loyal and restrain the insurgent. My Lords, there have been before now at various times, men inclined to play a tyrant's part; to oppress the unoffending, to trample upon the liberties of mankind; men who had made up their minds to outrage the feelings of human nature for some foul purpose of their own, aggravating the wrongs they did, and exasperating the hatred they deliberately excited by insults yet more hard to be borne. These courses have had different fortunes,—sometimes the oppressor has prevailed,—sometimes he has been withstood, and punished by the people. But I will venture to assert that this is the first time such a course ever was pursued without some foresight, some precaution to enforce the policy resolved on,—some means provided to preclude resistance, and at least to guard against its effects. Tyranny and oppression has here appeared stript of its instinctive apprehension and habitual circumspection. Compared with the conduct which we are now called to contemplate, the most vacillating and imbecile, the most inconsistent and impotent rulers, rise into some station commanding respect;—King John, or Richard Cromwell himself, rises into a wise, a politic, and a vigorous prince.

But it is said that there were various reasons why these Resolutions should not be accompanied with an effective force. And first, because the event has shewn that there were troops enough already in the Colony to quell the revolt. I hope it is already put down—I do not know that it is; but assume it to be so, does not my noble Friend see how much this proves? The defence, if it means any thing, means this—that the ordinary peace-establishment of Canada is quite large enough to meet the most extraordinary emergencies that ever yet happened in its whole history. How, then, will he meet those œconomists of our resources—those who are so niggardly and frugal of the public money, and justly complain of every pound needlessly spent and every man not absolutely required for the defence of the provinces? Because if it turns out that you had in times of profound peace so large a force in the colony, as was enough to meet a most unexpected crisis, and to cope successfully with a civil war, how is the question to be answered,—"Why an army should be wanted in peace, equal to the establishment which a war requires?" Had such a question been put on any other occasion than the present, I well know the answer it would have received, because I have heard it again and again both while in office and while out of office. The answer would assuredly have been: We keep only just force enough to meet the ordinary demands of tranquil times. Yet according to the extraordinary defence set up this night, there never are fewer troops maintained in Canada than are sufficient to meet demands of the most unexpected kind. There may a civil war any moment break out, and the Government may occasion and may quell an universal insurrection, without dispatching an additional man or gun thither. The establishment is so happily constituted as not to be too great for peace, and also not too little for war. But a second argument has been used more startling still. My noble Friend tells you that to send more men over would have had a very bad effect, because it would be admitting the Resolutions were wrong, and shewing we anticipated a resistance. Why, my Lords, is it not better to anticipate a resistance, and thereby prevent it, than to do nothing and be surprised by one? Which is the worst and most dangerous course, to be over cautious, or too supine? Is not the reality of a successful revolt infinitely more hurtful than the appearance of dreading one which may never break out? Is not a revolt far more likely to happen, and if it happen, to succeed, if you omit the ordinary and natural precautions? And suppose these prevent its happening, what the worse are you for having it said, and said unjustly, too, that you were apprehensive without cause? But then a third defence is attempted. Sending troops, says my noble Friend, would have been paying a bad compliment to the loyal zeal of the Canadians; it would have been treating them as if we could not sufficiently rely on them alone. Now, I should not much wonder if these peaceable inhabitants of the province, however loyal, and however devoted, were to say, when they found themselves, through this extreme delicacy, exposed unprotected to civil war, "A truce with your compliments; send us some troops. Don't laud our zeal and loyalty at the expense of our security. Don't punish us for our good qualities. Give us less praise and more protection. Never heed the imputation you may expose us to by sending out effectual succour to those who are not military men, so that you only secure the settlement against the worst of calamities, the flames of civil war, and should they break out, their laying waste our province." Surely, my Lords, those peaceful and loyal subjects of the Crown are sorely aggrieved when you tell them that their settlement may be involved in agitation and torn by civil broils, but that still no protecting hand shall be stretched forth to stay their ruin,—that you abandon your duty towards them—the duty of protection, which alone gives you a title to the reciprocal duty of allegiance—and as surely they are mocked beside being aggrieved, when in excuse for thus deserting your duty towards them, they are told that were you to discharge it, you might appear to doubt their loyalty and their zeal. My, Lords, this is not, it cannot be, a real defence; it is an after thought. I am sorry to say, that I cannot bring myself to regard it as sincere, and but for the respect I owe my noble Friend, I could not bring myself to regard it as an honest defence. If any man had asked him six months ago, before the event, why no troops had been sent to back the odious resolutions and render resistance hopeless, he might have given various answers to a very pertinent question. I cannot, indeed, easily divine what he would have urged in explanation; but of one thing I am quite certain—I can tell at once what he would not have urged—he never would have uttered a word about the dispatch of troops indicating a distrust of Canadian loyalty or a condemnation of the eighth resolution. All this is a mere ingenious expedient resorted to after the event, and it is not, permit me to say, characterised by the accustomed candour, fairness, and ingenuousness of the noble Lord.

Well, then, thus matters went on, and thus to the very last with admirable consistency. No instructions, either as to the Legislative or Executive Council reached Canada before the Parliament of the province met, although it had been distinctly promised that they should arrive before the meeting, as indeed after it they could serve no kind of purpose. Nay, the Parliament had met and been prorogued before they were even dispatched from Downing-street. I am aware, indeed, of the dispatches which bear the date of July 14th, a day remarkable in the calendar of the Colonial-office for unwonted activity—no less than four of these dispatches being all dated upon that singular day—and I know that one of these appears to contain a good deal about the constitution of the Legislative Council, but when you examine it you find nothing more than a long, a very long extract from the report of the Commissioners—so long as to require an apology in my noble Friend's letter for the length of the quotation. It seems that on this matter the three Commissioners had agreed. Their general course of proceeding had been to differ upon every thing—so that each reason assigned by the one found a satisfactory refutation in the arguments urged by his able and ingenious Colleagues. Nevertheless, they had an odd manner of often coming to the same conclusion, not only by different roads, but by travelling in diametrically opposite directions, as if to reach York they took not the Hull road or the Grantham road, but the road by Exeter or by Brighton. However, in this paper, they had for a wonder all agreed; therefore, my noble Friend catches at it, and for the edification of the Governor, sends him nearly the whole of it in the form of a dispatch, without adding one word of advice or information as to how the Governor should proceed in carrying the propositions into effect, or constructing his council—the whole practical matter being what men he should put upon it. The noble Governor was now surrounded by disaffection, and sitting upon the collected materials of an explosion; he was ruling a province on the brink of civil war, and without supplies of force, or a word of information or advice from home. So my noble Friend sends him a long quotation from the report of the Commissioners, a precaution the less necessary that the noble Lord himself, being one of those Commissioners, had himself signed that report, and might, one should suppose, very possibly be possessed of some knowledge of its contents. Nay, it was barely possible that he might have a copy of the document at large. So careful, however, was the noble Secretary of State, that he thought it better to send him a part of it, as he was pretty certainly already in possession of the whole. Nothing more is done till August 22nd, when at length a dispatch is forwarded, with full instructions as to the composition of the Council. The dispatches before sent had contained only a very partial and entirely provisional power of appointment. But the difference between the two dates is in fact quite immaterial; for if all that was sent in August, had been sent in July, it was too late—the Parliament met on the 18th of August, and unless the powers had arrived before that day, they were absolutely useless; not to mention that a proclamation issued in June, shews the colony to have been then on the verge of rebellion. The provincial Parliament met—nothing but the resolutions was laid before them—nothing but refusal and coercion, disappointment and mockery, were tendered to them, without a single proposition to soften the harshness of the refusal, or mitigate the bitterness of the insult. The provinces were now arrayed in opposition, and preparing resistance to the Government,—an extensive system of combination was established,—civil, judicial, and military powers were exercised by the patriots. It was now too late to soothe, by the appointment of councillors, whose names, a few weeks earlier, might have given confidence to the people, and paved the way for a restoration of kindly feelings towards the Government; they had already gotten the local Committees,—their central body—their *amiables compositeurs*, their police-bands.—On the one hand, hope had been held out never to be realised—promises made only to be broken. On the other hand, resolutions of coercion had been passed amounting to hateful threats, to be followed immediately by bills, but these were never so much as proposed to Parliament. The insurrection breaks out—blood is spilt—the province is involved in rebellion and in war—still no legislative measures are ever framed upon the resolutions. Parliament assembles weeks after the most important information has come from the colony,—still not a word is said of any thing but the new Civil-list; and instead of the often promised Bill to carry the resolutions of April and May into effect, an entirely new Bill is announced, upon a wholly different plan, and to meet the completely altered state of affairs.

Now, then, I ask the reason why the measures were delayed, after being distinctly promised in April? The Government are aware that this question must be answered, and I find several reasons assigned in these papers.—The first is given in one of the four dispatches of July 14th. "Much as the Government have always lamented the necessity of adopting such a measure under any circumstances, they would, at the present moment, feel a peculiar reluctance in resorting to it, as they would deeply regret that one of the first legislative acts of her most gracious Majesty's reign, should carry even the semblance of an ungracious spirit towards the representatives of her loyal and faithful subjects in that province." If, then, even "the semblance of an ungracious spirit towards the loyal and faithful subjects," is so "deeply regretted" by my noble Friend, what thinks he of the reality of an audacious spirit of resistance to the Sovereign herself? Does he not consider that it would have been quite as well to avoid such empty, unmeaning compliments to his Sovereign, and discharge the imperative duty cast upon him, of maintaining her authority and protecting her loyal people? Would it not have been full as respectful a course, and to his Royal Mistress just as grateful, if instead of such tawdry and clumsy figures of speech, he had given her the opportunity of maintaining the peace of her dominions, by pursuing the course begun under her illustrious predecessor? My noble Friend speaks of "deep regret,"—was it then a subject of much satisfaction to him that weakness and indecision, delay and inaction, should lead from dissatisfaction to revolt, and end in shedding the blood of the people? Are these things no matter of regret, when deep regret is expressed at merely continuing in the new reign, the measures resolved upon towards the end of the old? The rose leaves on the royal couch of the young Queen, must not, it seems, be ruffled by the discharge of painful, though necessary duties.—But then was the death-bed of the aged Monarch to be studded with thorns? If the mind of the successor must not be disturbed with the more painful cares of royalty, was the dying Prince to have his last moments harassed and vexed by measures of a severe and harsh aspect? Such, I presume, is the reason assigned for nothing having been done after the resolutions were passed in the beginning of May. My Lords, this is a delicate—a perilous argument. We are here treading slippery ground—we are dealing with very high matters. I affirm that I speak the language of the constitution, when I absolutely refuse my ear to all such reasons. They are resorted to for the defence of the Ministers at the expense of the Monarchy. I know nothing of the last hours of one reign—or the dawn of another—nothing in the change of Sovereigns which can lessen the responsibility of their servants, or excuse them from performing their duty to the Crown, be it of a stern and harsh nature, or be it gentle and kind. Beware, I say, how you give any countenance, aye, or any quarter to topics of defence like these. They are so many arguments against a monarchical constitution, and in favour of some other form of government. This is no discourse of mine. It is not I who am to blame for broaching this matter. You are they *(to the Ministers)*—you are they who have forced it into debate—and this dispatch —this dispatch is the text upon which, trust me, commentators will not be wanting!

But, my Lords, these were not the reasons of all the vacillation and all the delay. The real reason oozes out a few pages later in the book before me. I have been reading from the dispatch of June 29th; turn now to one a fortnight later, and you find that a resolution had all at once been taken to give up the eighth resolution, and ask money from Parliament here, for the Canadian service, instead of despoiling the chest at Quebec. This abandonment of the eighth resolution as to all fruits to be derived from it, is indeed unaccompanied with any benefit whatever from the surrender—the announcement of the policy, harsh and insulting, is to continue; only its enforcement is given up, and the people of England are as usual to pay the money. But see with what a magnanimous accompaniment this abandonment—this shifting of the ground is ushered in. We are now in full vigour; and we cannot boast too loudly of it, while in the very act of performing the crowning feat of impotency. "The time (says this very dispatch) has passed away in which it was right to pause and deliberate." Some hopes, indeed, seem yet to have been entertained of amicable adjustment—it is difficult to see why—nor, indeed, does the noble Secretary of State see—for he candidly says, "hopes, resting as I must confess on no very definite ground;" yet he adds, "I cannot altogether despair that the Assembly—or some considerable portion of it, will abandon their course."—I suppose, because there was nothing whatever to make them think of doing any such thing.—My noble Friend, however, in the act of abandoning his course,—a course which he declares was "entered on by him, upon no light or ordinary motives"—adds, "To retreat from such a course would be inconsistent with our most deliberate sense of public duty." "Deprecating, therefore, (he proceeds) every appearance of vacillation where no doubt really exists"—and so forth. Then did he flatter himself, that when the appearance of vacillation was so much to be deprecated, its reality would work no harm to the public service? Did he not perceive that all he here so powerfully urges against inaction and hesitation, and oscitancy, and faltering, were triumphant arguments in favour of that line of conduct which he never once pursued? This dispatch full of reasons against vacillation, affords the most marvellous sample of it, which is to be found in the whole train of his proceedings. The resolutions were passed almost unanimously—it was resolved to take the money of the good people of Canada—it was affirmed that there must be no pause—no doubt—no vacillation—and the new determination prefaced by this announcement is, that the former resolutions about which no man (say they) can now have any doubt, shall be given to the winds, and the money taken from the pockets of the good people of England!

It would indeed seem, that just about this time some wonderful change had come over the minds of the Ministers, depriving them of their memory and lulling even their senses to repose—that something had happened, which cast them into a sweet slumber—a deep trance—such as physicians tell us, not only suspends all recollection of the past, but makes men impervious to the impressions from surrounding objects through the senses. Could this have arisen from the deep grief into which my noble Friend and his colleagues were known to have been plunged by the de-cease of their kind and generous Master? No doubt that feeling must have had its day—or its hour—but it passed swiftly away—it is not in the nature of grief to endure for ever. Then how came it to pass that the trance continued? Was it that the demise of one Monarch is necessarily followed by the accession of another? Oh—doubtless its pleasing endurance must have been caused by the elevation of their late gracious Master's illustrious successor, prolonging the suspension of the faculties which grief had brought on—but changing it into that state, inexpressibly delicious, which was suited to the circumstances, so interesting, of the new reign. Or could it be, that the Whig party, having for near a hundred years been excluded from the banquet of Royal favour, had now sitten down to the rich repast with an appetite, the growth of a century's fast, and were unable to divert their attention from so pleasurable and unusual an enjoyment, to mere vulgar matters of public duty, and bring their faculties steeped in novel delight, to bear upon points so distant as Canada—affairs so trivial as the tranquillity of the most important province of the Crown, and the peace of this country—possibly of the world? All these inconsiderable interests being in jeopardy, were they insufficient to awaken our rulers from their luxurious stupor? I know not—I put the query—I suggest the doubt—I am unable to solve it—I may for aught I know have hit upon the solution; but of this I am sure, that to some such solution one is unavoidably led by the passage of the despatch which refers to the demise and accession, as the cause of the general and absolute inaction which at that critical moment prevailed. But another event was in prospect, the harbinger of almost as much joy as the prospects of the new reign—I mean the prospect of a new Parliament. The dispatch gives the approaching dissolution as one reason for the conduct, or rather the inaction of the Government—and I sincerely believe most truly—for as surely as an accession follows the dissolution of the Prince, so surely does an election follow a dissolution of his Parliament. It is not that there was any thing like a justification of the Bill not being introduced, in the approaching dissolution; for there was abundance of time to pass it between the begining of May and the end of July when Parliament was dissolved. It could not have been much delayed in the other House, where such unprecedented majorities had concurred in passing all the resolutions; and in this House, my noble Friend (Lord Melbourne) knows he can do as he likes—I mean when he is doing wrong—*Illâ se jactet in Aulâ*, and he is little opposed here. I am far from saying your Lordships would so readily let him do anything to advance the interests of the people, or extend their rights; but only let him invade their liberties, and he is sure to find you every way indulgent; such is your partiality for a bold and decided policy; so great your inclination to support what are termed vigorous measures! It is not, therefore, with the dissolution that I can connect the laches of the Government in the way in which they urge it as a defence. But they were impatient to get rid of the old Parliament, that they might be electing a new one, and all their attention was absorbed in their election schemes. Their hopes were high; they reckoned upon gaining largely, and little dreamt that upon their appeal to the people, instead of gaining fifty, they should lose fifteen. Those "hopes too fondly nursed," were afterwards "too rudely crossed;" but at the time, they filled their whole soul, and precluded all attention or care for other matters — whether justice to Canada, or justice to England. What passed in this House to the serious interruption of our judicial functions, may be taken as a proof how little chance any colonial affairs had of commanding a moment's regard, or delaying for a day the much-wished-for general election. The report had been made to head quarters by the proper officers—those whose duty it is to preside over the gathering of the Commons—to take care that there shall be a house when it is wanted—or that there shall be none when that is expedient; and above all, whose department is to arrange the times and seasons of elections. The result was, that the interests of the Ministry were understood to require that certain writs should issue on Monday, and that on no account whatever the Parliament should be allowed to exist another day. In the general joy of the new reign and the sanguine hopes from the new Parliament, my noble Friend on the Woolsack, (Lord Cottenham) seemed himself to be a partaker. He betrayed signs of hilarity unwonted: I saw him, I can undertake to say, smile twice at that critical period, and I have heard it said, that the same symptom was observed on one other occasion; but that of course passed away. We were engaged in a most important cause—a question of law—long the subject of dispute in Westminster Hall, and on which the different Courts there had widely disagreed. It had come at length before this House for decision in the last resort, and after being fully argued, the learned judges, whose assistance your Lordships had, still differing in opinion, had delivered their arguments *seriatim*. It was for the House to determine, and set the controverted point at rest for ever by a solemn decision; and accordingly, on the Saturday, my noble and learned Friend had begun by moving an affirmance of the judgment below; and by a natural mistake (the point being one wholly of common law) he had given a reason rather for reversing than affirming, by citing the case that made against his argument. At this identical moment, there was observed to approach him from behind, a form not unknown to the House, though to the law unknown, the Lord Privy Seal, robed as a Peer of Parliament, and interrupting the judge in delivering his judgment, to suggest what immediately put an end to my noble and learned Friend's argument. There could be no doubt of the purport of that communication;—the hour of four had arrived, and then, if at all, must the Commons be summoned to hear the Commission read. The Privy Seal had warned the Great Seal that if the judgment were given—if the reasons in its favour were assigned, only the ones against it having been stated—the Parliament could not be dissolved on Monday; and thus, the grave interests of the elections might be sacrificed to the mere administration of justice. The judgment being thus prematurely closed, and the argument left against, and not for, the decision recommended by the Speaker of your Lordships' House, the Commission was executed, and some score or two of Bills were passed. The judicial business was then resumed. Your Lordships differed in opinion. The Lord Chief Justice took a view opposite to that of the Lord Chancellor. It was my fortune to agree with the latter; and after considerable argument the judgment was affirmed, not for the reason which he had given in favour of it, but in spite of the reason which he had urged against it. But this was not all: I and other noble Lords were most anxious to have the dissolution postponed one day longer, in order to dispose of several important causes, which had been fully heard at heavy expense to the parties, and to prevent the risk of the whole expense being renewed in case those who had heard them should die before next Session, or be unable to attend the judicial business of the House. We earnestly besought the Government to grant this postponement for so important a purpose, as well as to prevent the vexation to the parties of increased and most needless delay;—to the Court, the serious inconvenience of deciding a year after the argument had been heard. But we prayed in vain; they would hear of nothing but dissolving and electing—would attend to nothing else—would allow nothing to interpose between them and their favourite electioneering pursuits; and the reports of your Lordships' judicial proceedings bear testimony to the haste with which, to attain those electioneering objects, the Session was closed, and the administration of justice in the last resort interrupted. Well, therefore, might the noble Lord's dispatch of the 14th July, assign the approaching dissolution of Parliament as a principal reason why Canada could not be attended to. Although not in the sense of that dispatch, or as anything like an excuse for his conduct, assuredly, the dissolution and its consequences had much to do with that neglect of duty. It called away the minds of men to nearer and dearer objects; fixed their attention upon things that far more nearly touched them—things that came home to their business and bosoms;—the preparations for the approaching elections; and the affairs of the remote province, which had at no time engrossed too much of their care were thought of no more.

Thus, then, my Lords, all is uniform and consistent in these transactions; all is in keeping in the picture which these papers present to the eye. A scene is certainly unfolded not much calculated to raise in our estimation the capacity, the firmness, the vigour or the statesmanlike habits of those distinguished persons to whose hands has been committed the administration of our affairs. I do not by any means intend to assert that the great qualities of public life may not be discovered in these proceedings. I should be far from saying that both deliberation and dispatch may not be traced in their conduct;—deliberation amounting even to balancing, and pausing and delay; — dispatch running into rapidity, precipitancy, hurry. You meet with the unhesitating haste, and with the mature reflection; the *consulto* and the *matura facto* are both there. But then they are at the wrong time, and in the false position; the rapidity presides over the deliberative part—the deliberation is applied to the executive. The head is at fever heat; the hand is paralysed. There is no lack of quickness but it is in adopting plans fitted to throw the country into a flame; no lack of delay, at the moment when those schemes are to be carried into execution. They rush, unheeding, unhesitating, unreflecting, into resolutions, upon which the wisest and readiest of mankind could hardly pause and ponder too long. But when all is determined—when every moment's delay is fraught with peril—then comes the uncertainty and irresolution. They never pause until the season has arrived for action, and when all faltering, even for the twinkling of an eye, is fatal, then it is that they relapse into supineness and inaction; look around them, and behind them, and everywhere but before them; and sink into repose, as if all had been accomplished, at the moment when everything remains to be done. If I were to ransack all the records to which I have ever had access, of human conduct in administering great affairs, whether in the annals of our own times or in ages that are past, I should in vain look for a more striking illustration of the Swedish Chancellor's famous saying to his son, as he was departing to assist at the congress of statesmen, "*I fili mi ut videas quantulâ sapientiâ regatur mundus!*"

My Lords, I cannot sit down without expressing also my opinion upon the conduct of the other party in this disastrous struggle. Both here and elsewhere still more, invectives have been lavished with unsparing hand upon those whom the proceedings of the Government first drove to disaffection, and afterwards, by neglect, encouraged to revolt. I will not stoop to protect myself from a charge of being prone to vindicate, still less encourage men in their resistance to the law, and their breach of the public peace. But while we thus speak of their crimes, and give vent to the angry feelings that these have excited among us, surely it becomes us to reflect that we are blaming men who are not present to defend themselves—condemning men who have no person here to say one word in explanation, or palliation of their conduct—and that while we have before us their adversaries in this country, and the whole statements of their adversaries in the colony, from themselves we have not one single word spoken or written to assist us in forming our judgment, or to stay our sentence against them. To any fair and candid, not to say generous nature, I am sure I need not add another word for the purpose of showing how strong is their claims to all forbearance, to every allowance which it is possible for charity to make in scanning their conduct. Then I shall ever hold those deeply responsible, who could have made all resistance impossible by making it hopeless, but who sent out no reinforcements with that design—those who first irritated, and then did not control—who, after goading to insurrection, did nothing to overawe and deter insurgents. And after all, when men so vehemently blame the Canadians, who is it, let me ask, that taught them to revolt? Where —in what country—from what people did they learn the lesson? You exclaim against their revolt—though you have taken their money against their wishes, and set at nought the rights you boasted of having bestowed upon them. You enumerate their other comforts—that they pay few taxes—receive large aids from this country—enjoy precious commercial advantages, for which we pay dear—and then you say, the whole dispute for which they have rebelled is about the taking of 20,000*l.* without the consent of their representatives! Twenty thousand pounds taken without their consent! Why, it was for twenty shillings thus taken, that Hampden resisted—and by his resistance, won for himself an imperishable name, which the Plantagenets and the Guelphs would give all the blood that swells their veins to boast of! If to resist oppression —if to rise against usurped power, and defend our liberties when assaulted, be a crime, who are the greatest of all criminals? Who but ourselves, the English people? We it is, that have set the example to our American brethren. Let us beware how we blame them too harshly for following it! My Lords, I throw out these things with no view of merely giving offence in any quarter—I do so with a better object —an object of all others the dearest to my heart at this moment,—to prevent, by this palliating reflection, the shedding of one drop of blood, beyond what self-defence and the lowest demands of justice administered in mercy require—to warn those into whose hands the sword is committed, that they have a care how they keep it unsheathed one instant after the pike of the rebel has been thrown away!

My Lords, the speech of my noble Friend would now carry me after him into a wide field—the consideration of the new system which is to be proposed for governing the colony. Upon that ground I decline entering at present; but the general aspect of it demands a single remark. The constitution is to be suspended for three years, and a governor is to rule with absolute power; and yet all the while the boast is, that the insurrection has been partial—that only a single county of the whole eight has taken any share in it—and that all the rest of the community are loyal and well-affected! Then, I ask, why are the loyal and well-affected, because they have put down the partial revolt, to be punished for the offences of others, and to lose not only the privileges which you gave them in 1831, but the constitution which Mr. Pitt gave them forty years before? This may be vigour—it is certainly not justice. It looks like an awkward and preposterous attempt to supply at this late hour, the total want of activity which has prevailed throughout the whole conduct of Government, by an excess of action—by a morbid vigour that can work nothing but mischief to all. It is a proceeding wholly repugnant to all ideas of justice, and contrary to common sense. Only see how utterly this measure is inconsistent with the rest of my noble Friend's defence. When you ask why no force was dispatched to secure the peace of the colony—you are told it was quite unnecessary—the people were all so loyal, that the peace was in no peril, and sending troops would only have been offering a groundless insult by suspecting their zeal and devotion. But when it is thought desirable to destroy the free constitution, and put a pure despotism in its place—straightway it is found out that the whole mass of the population is disaffected, and can no longer be intrusted with political rights. The rebellious spirit shifts and changes—contracts and expands—just as it suits the purpose of the argument. Now it is confined to a single county—pent up in a corner of the settlement—bounded by the river Richelieu. This is when the Ministers are charged with having left the colony to its own resources. Presently the new plan of arbitrary government is on the carpet, and immediately the revolt spreads in all directions—spurns the bounds of rivers and mountains—diffuses itself over the whole country—and taints the mass of the inhabitants. My Lords, I care not which way the question is put, but it is a question that must be answered before these Ministers can compass both their objects, of defending their past conduct and obtaining new powers. The dilemma is now complete and perfect. If the colony was in such a state as to justify this arbitrary Bill, why did you leave it without a force? If the colony was in such a state as justified you in withholding reinforcements, what pretence have you for disturbing its peace, and inflicting upon it a despotic Government? Answer me these questions. One answer will suffice for both. But I believe for that answer I shall wait for ever and in vain.

But then it seems that this despotic constitution is only to be the fore-runner of some other arrangement. Whether the noble Lord had himself formed a very clear and precise idea of that ulterior measure, I am unable to say with confidence. But this I know, that his explanation of it left me without the power of comprehending it with any distinctness; and what I could comprehend, seemed absurd in the extreme. Of all established constitutions, we are bound to speak with some respect, more or less; they have been tried, and at least been found to answer some of the purposes for which they were designed. But a wholly new and untried scheme is intitled to no respect at all beyond what its intrinsic merits claim; and, as far as this scheme is comprehensible, it appears eminently ridiculous. A certain number of persons, we are told, are to be called by the Governor to his aid as Councillors, but how they are to be selected, and what powers they are to have, we are not informed. Is the Governor to summon whom he pleases? Then he gives no share whatever in the deliberations of the people, and for the purpose of conciliation, or indeed of learning the public opinion, the proceeding is utterly nugatory. Is he to choose the districts, and leave the electors there to send representatives? But still it is a packed assembly, and no voice is given to the bulk of the community. Is he then to issue writs generally—only requiring ten councillors instead of ninety representatives to be elected for his help-mates? But when the whole country is unanimously of one opinion, this plan can have no other effect than to bring together a Parliament composed exactly like the present, only fewer in number, and under a different name. It is plain that in one way or another the intention must be that the people shall not elect freely as they now do, else a Parliament precisely like the disaffected one will be returned; and that those elected shall have no power to act unless they do as they are bid, otherwise the Government will be in the precise difficulty which now oppresses it. But if any such semblance only of consulting the people, is all you mean to give—if under the pretence of calling them to your aid, you exclude all the men of their choice, and only take counsel with creatures of your own—I tell you fairly, that such an intolerable mockery will avail you nothing. Better proclaim at once a despotism without any disguise or any mitigation. Make the Governor supreme. Let him rule without advice or even instruction—in his own name and not in the name of the law—for your interest, and not for that of the colonial people.

But, my Lords, I have said that I should at present forbear to pursue in detail the subject which we shall hereafter have ample opportunities of discussing at large. Neither will I go into the particulars of the civil war that has so lamentably been kindled. I have mentioned that there is reason for hoping its disasters have already reached their term. I hope, most devoutly hope, it may be so. No thanks to the Government, the colonists themselves, left wholly to their own resources and their own zeal, are supposed to have quelled the insurrection, and restored peace. But what kind of a possession is that which must be kept by force of arms? Are we not here reminded of Mr. Burke's observation upon the too parallel case of America? Here, however, I must, in passing, express my astonishment at finding the address now moved, to be so nearly copied from that of 1775—after the peremptory denial of my noble Friend (Lord Melbourne), when I the other night said, I supposed it would turn out to be so. Really, though he is but a novice in office, he made the denial with a readiness and a glibness, that might have done honour to those inveterate habits of official assertion, only acquired by the few who are born in Whitehall and bred in Downing Street. And yet, when we look at it, we find it the same address with that of 1775 to the very order of the topics—all but one passage, which is of necessity omitted here, because I defy the utmost courage of official assertors to have reproached the Canadians as my noble Friend's predecessor, Lord North, did the Americans, with making an ungrateful return to the tenderness shown by Parliament towards the principles of the English law and the English Constitution. The authors of the eighth resolution, were not, I presume, capable of setting their hands to such a boast as this.—In all other respects the two addresses are identical.—May the omen not prove inauspicious, and may the likeness end here!

But I was drawn aside from the just remark of Mr. Burke, which I was about to cite. The rebels, said he, may be put down, but conquering is not governing, and a province which, to be retained, must be always subdued, is little worth keeping. My Lords, I may truly say the same of Canada. The revolt may be suppressed; I hope it is suppressed already, and that the blood of our American brethren has ceased to flow. But the difficulty of the case is only then beginning. Then comes the time to try the Statesman—the far more delicate question then arises—and the more important—demanding infinitely greater circumspection and foresight, wisdom and judgment, than how a rebellion may be suppressed—I mean the question, how a distant province may be well governed, a disaffected people reclaimed, and the maintenance of your empire reconciled with the interests of your subjects? The scheme of polity for accomplishing this great and worthy purpose, must be well matured before it is adopted, and, when once adopted, must be executed with vigour; all pausing and faltering must then be ended. I would fain hope that the Ministers have been taught a lesson by the past, and that henceforth they will deliberate at the season of proposing measures, and act when the period for executing them arrives. But, if I am called upon to pronounce whether or not the authors of these dispatches, the propounders of last year's resolutions, they who followed up their own policy with no one act of vigour, and accompanied it with no indication of foresight, they who embarked in a course avowedly harsh and irritating, without taking a single precaution to prevent or frustrate resistance, and, at the instant when their measures required to be prosecuted with effect, suddenly deserted them—if I am to decide whether or not they are the men endowed with the statesmanlike capacity to meet the difficulties of so arduous an occasion, I, too, must falter and pause before I give an affirmative answer. To quell an insurrection, asks but ordinary resources and every-day talents; a military power, often a police force, may subdue it, and may bridle for a season the disaffected spirit. The real test of the Statesman's sagacity and vigour is applied when tranquillity is for awhile restored. My Lords, painful as the avowal is, their conduct throughout these sad affairs has wrung it from me—I must pause before I can pronounce these men fit for the emergency which is fast approaching, if it have not already come.

But, let it not all the while be supposed, that when I dwell upon the greatness of the occasion, it is from setting any high value upon such a possession as Canada. The crisis is great, and the position difficult, on the assumption that you will resolve to keep hold of it, whether in prudence you ought or not, and will be for making sacrifices to retain it, of which I hold it altogether unworthy. Not only do I consider the possession as worth no breach of the Constitution—no violation of the principles of justice—good God! what possession can ever be of a value to justify a price like that!—but in a national view, I really hold those colonies to be worth nothing. The only interest we have in the matter, concerns the mode in which a separation, sooner or later inevitable, shall take place. The only question worth considering, as far as our national interest is concerned, is whether that separation shall be effected amicably or with hostile feelings, unless in so far as the honour of the country is involved. But I am not so romantic as to suppose, that any nation will ever be willing to give up an extended dominion, how unprofitable, nay, how burthensome soever it may be to hold it. Such possessions, above all, are not likely to be surrendered to dictation and force. The feelings of national pride and honour are averse to yielding in these circumstances; but I do venture to hope, that when all feelings of pride and honour are saved—when resentment and passion has cooled—when the wrong-doers on either side are forgiven—when the reign of law is restored; that justice will be tempered with mercy, the foundation for an amicable separation laid, and an estimate calmly made of the profit and the loss which result from our North American dominions. I am well assured that we shall then find them very little worth the cost they have entailed on us, in men, in money, and in injuries to our trade; nay, that their separation will be even now a positive gain, so it be but effected on friendly terms, and succeeded by an amicable intercourse. The Government and defence of Canada alone, costs us considerably more than half a million a-year; independent of the million and a-half which we have expended on the Rideau Canal, and between two and three millions on fortifications, uselessly spent. I speak on the authority of a Minister of the Crown, who has recorded his opinion of the burthen we sustain in holding such possessions. [Lord *Glenelg*:—Who?] The Paymaster of the Forces (Sir H. Parnell.) But, beside all this, we have to pay *55s.* duty on the excellent timber of the Baltic, in order that we may be compelled to use the bad timber of Canada at a higher price, on a 10*s.* duty. The severance of the colony would not only open our markets to the better and cheaper commodity which grows near our own doors, but would open the Baltic markets to our manufactures, restrained as they now are in their export to the north of Europe, by the want of any commodities which we can take in return. Their produce is grain and timber, and our Corn-laws for the benefit of the landed interest shut out the one, while our colonial laws for the benefit of the planters, exclude the other. Is it not then full time that we should make up our minds to a separation so beneficial to all parties, if it shall only take place amicably, and, by uniting together the whole of our North American possessions, form an independent, flourishing, and powerful state, which may balance the colossal empire of the west? These, my Lords, are not opinions to which I have lately come; they are the growth of many a long year, and the fruit of much attention given to the subject. Of this I am intimately persuaded, that it is of paramount importance to take care how the change shall be consummated. If the severance be effected by violence—if the member be rudely torn away and bleeding from the body of our empire, a wound is left on either side to rankle and irritate and annoy for generations to come. Hence a perennial source of national enmity, the fruitful cause of commercial embarrassments, and of every kind of discontent and animosity not only between the countries, but among the different classes and parties of each. There is no evil against which it better becomes us anxiously to guard. All expedients should be tried to render the severance kindly and gentle—every thing resorted to that can pour balm into the wound occasioned by the operation. This is the most sacred duty of every wise and virtuous Statesman. Lowring as the aspect of affairs now appears, my hope still is, that those who are intrusted with the Government, be they who they may, will bestir themselves, with these views, for this purpose; and while it is yet time, seek, above all things, to heal the injuries which imprudence and rashness, complicated with imbecility and vacillation, have inflicted, so as to give us not outward peace only, but real concord and friendship, without which the wound is but skinned over, and peace must be precarious and only a name. But, to give real peace and concord, the wrongs complained of must be redressed, and I fairly tell you, that the master grievance must not be suffered to remain. All Canada cries out for an Elective Council. Refuse it you cannot. The complaint against its present constitution is like that some time ago urged against this House. [One of the Ministers here said this was not a judicious allusion.] Will my noble Friend, whose eagle-eye can pierce through the darkness of a statement barely commenced, and catch its application to an argument not yet broached, suspend his sentence of condemnation till he hears whether the allusion be indeed judicious or no? I was stating, that language more severe had not been used towards the Legislative Council in the province, than I have often heard employed in this place against this Legislative Council of the parent State. But, there is a wide difference, my Lords, between the two cases, and upon that difference rests the application of my present appeal, so prematurely judged of by my noble Friend. First, whereas, only an inconsiderable fraction of the people of England have demanded a reform in the constitution of this House, and even they have not persevered in the demand, all the Canadian people with one voice have called aloud and vehemently for a change in their upper House, and have never for one instant, in any circumstances, abated one jot of the vehemence with which they universally urged that demand. Next, we never have been rationally, or even intelligibly informed in what way the reform of this House could be effected, without the overthrow of our mixed monarchy, whereas the change proposed in the Colonial Council has always been distinctly stated, and accords with the whole principles and frame of the political constitutions all over the new world. Lastly, and chiefly, the charge made against your Lordships of refusing the measures which the other House sent up, rests upon a very narrow foundation indeed, compared with the sweeping accusation brought against them. You altered some bills for the worse as I think; you mended others, changing them for the better; one or two you wholly rejected in one or two Sessions; whereas the Council in Canada refused Bills of all kinds by wholesale, rejected scores of the most important measures upon all subjects indiscriminately. Bills upon government, education, administration of justice, trade retrenchment, reform of all abuses, all shared the same fate. Trust me, my Lords, if you had been so ill-advised as to pursue a course like that, there would a very different cry have arisen for Peerage reform from any thing you have ever yet heard. With all the difficulty of forming a plan for it, the demand of some change would have become general, if not universal. Instead of a feeble cry, proceeding for a little while from a small portion of the country, all England would have vehemently persevered in the demand of reform. The wisdom of your Lordships prevented this. The conduct of the upper House in Canada was the very reverse; and when the people had nothing to hope from its present structure, no wonder that the demand for its change became loud, vehement, universal, but much wonder if in a cause so just, it should not in the end prove irresistible! In vain, believe me, do you send out new Governors with larger powers! In vain you commission my noble Friend to carry out the force of a despotic Government, if he is not also armed with force to redress the master grievance! With every disposition to trust his ability and his temper, the work of reconcilement never can flourish under his hands, if they be not strengthened to do it by the only power which can avail; if they are strong only to inflict new wounds, and impotent to bestow the boon of justice and redress. I shall most deeply deplore his undertaking such a mission, if he goes thus cramped and fettered. If he is only to carry out the most unconstitutional, the most oppressive act that has crossed the Atlantic since the fatal Bill of Massachusett's Bay, I shall lament it on his account, because he can reap from such a service no honour; I shall still more bitterly deplore it for the country's sake which can derive nothing but disgrace from such a course; for the sake of the first of all blessings, the public peace, which will never be permanently secured by acts of unmitigated injustice.

But, once more let me beseech you to resolve that you will abide by the course of justice, grant liberally, improve fearlessly, reform unflinchingly, whatever the Canadian people is entitled to demand that you should grant, improve, reform. By none other measures can either right be done by the parent State to its American subjects, or the character of England be sustained; by no other course can the honour of the Crown, the character of the Parliament, above all the peace of the new world be restored, or the peace of the old maintained.

Viscount *Melbourne:* I should have wished, before I addressed the House on this subject, that some other noble Peer who took a different view of the question from the noble Lord who has just resumed his seat should have risen. Even amidst the torrent of invective and sarcasm with which the noble Lord has overwhelmed the officers of her Majesty's Government, and that most laboured and most extreme concentration of bitterness which has been poured forth on this occasion, I have not, however, discovered that the noble Lord entertains any decided disapprobation of the present motion, and I apprehend that I may fairly take it for granted that no such disapprobation will be expressed; and I trust that I may expect that no noble Lord will take a view very different from that of the noble Lord. The noble Lord towards the conclusion of his speech said that he faltered, he hesitated, he paused, before he could pronounce it to be his opinion that the present Ministers had shown themselves to be fitted to act in this important affair, with the management of which they are intrusted. Now, considering the introductory part of the speech of the noble Lord, I do not see why he should falter; but I rather think that his doing so savours in some degree of that vacillation which he has alluded to as having characterised the conduct of Ministers: and I do not see with what confidence the noble Lord, entertaining the opinions which he has expressed, can excuse himself from making some motion to this House declaratory of his want of confidence in the Government. However he may falter in respect to his judgment of Ministers, I do not falter with regard to this expression of my opinion in reference to the noble Lord's speech. The noble Lord has taken a very large discursive view, not only of the question now immediately before the House, but also of the measures which have preceded it and which have led to the present state of affairs, and of all the topics which have reference or allusion to this most important subject. He is well acquainted with the subject, and is well aware of the various steps which have been taken, to many of which he has himself been a party, and he knows how by degrees they have led to the state of things which unfortunately at this moment exists in Lower Canada. That state of things I, for one, most sincerely lament; but it is impossible to say how it could have been averted, or whether its occurrence, by any means which might have been adopted, could have been prevented, or whether it must not have happened in the ordinary course of events: but I feel some satisfaction, and I think all the officers of Government who have been employed on this question must do the same, that, to whatever other cause it may be attributable, it cannot be suggested to have arisen from any want of justice on the part of this country, or from any assertion of rights which did not exist, from any tyrannical or unjust proceedings, but only from the unreasonable and impracticable Reform which is demanded in the Canadian constitution by the House of Assembly. My learned and noble Friend has made several observations on the various delays which he conceives have taken place in the correspondence; he has made several observations on the promises which he asserts were held out, and which have never been fulfilled; and many observations on the long interval which elapsed between one letter and another; but I must say, that he does not appear to me to have made out his case upon this point. It is not sufficient for him to assert that promises have been made, it is not sufficient for him to say, that there was a long interval without any dispatch; but he must prove also that it was necessary to write something during that interval; he must prove that something beneficial to the service must have accrued from sending out further instructions; and he must prove also, that there has been some omission prejudicial to the colony, and injurious to the public service; and he has not brought forward any such proof. The noble and learned Lord has indeed said, that there have been some laches and some neglect which have had a prejudicial effect, and have been the real cause of the outbreak; but I confess, my Lords, that I cannot recollect throughout the whole of that noble Lord's able and discursive speech one single endeavour to bring his assertion to the test. My Lords, my noble and learned Friend commented with much severity on some passages in the dispatch of Lord Glenelg to the Earl of Gosford, dated 29th of April, 1837. In that dispatch Lord Glenelg held the following language:—

> "I regret that, owing to the delay which has occurred in passing the resolutions, arising in great measure from the pressure of public business, I have been compelled to withhold these instructions for a longer period than I anticipated, but your Lordship may rely upon receiving them in ample time to enable you to prepare for the meeting of the legislature; whether that meeting should be postponed until the time that the law will require that a session should be held, or should be fixed for an earlier time, is a question which must depend to a certain degree on local circumstances, of which your Lordship will have the means of obtaining a far more accurate acquaintance than I can."

What was the fair meaning of this passage, but that with respect to the time of calling together the local legislature the governor was better acquainted with the circumstances which must regulate the period than any one here could be, and that Lord Glenelg would not, in opposition to the governor, venture to give an opinion? Was not this the proper course to be taken, and was it not in accordance with common sense? Lord Glenelg then went on to say—"I shall, however, distinctly advert to this point, in connection with the other matters on which I shall have to address your Lordship, and I only refer to it now that you may be aware that it will not be overlooked, and that your own attention may be directed to it in the meantime, with a view to the sound exercise of that discretion which it may probably be expedient to leave in your Lordship's hands with regard to it." What did Lord Glenelg say in this, but that we would think the subject over, and that we wished the Earl of Gosford also to consider it, because it was a subject better left to his discretion and determination? And I think, my Lords, that the dispatch is not only consistent with right reason and prudence, but that it is precisely the course which any reasonable man would pursue upon such an occasion. My noble and learned Friend seemed to imply that the Earl of Gosford would infer from this dispatch some doubt as to our approval of his conduct; but, my Lords, it was the furthest from my thoughts to complain of the course which the governor might pursue, to give other than a fair and candid consideration to all his actions, and to extend to them a fair, firm, and unflinching defence. As to the 8th resolution of the last Session, it is not my intention, my Lords, to re-argue the question. I admitted then, and I admit still, that it was a strong resolution; but it was a measure rendered necessary by the desertion from and dereliction of duty on the part of the Legislative Assembly of Lower Canada, which had rendered it impossible that the most important duties relating to the government of the colony could be performed. My noble and learned Friend says, that we must have known what were the feelings of the Canadians with respect to those resolutions—that we must have known the result which they were likely to produce and that after what had previously taken place it was our duty to have provided against the possibility of an outbreak, by increasing the military force in the colony. My Lords, I am perfectly ready to own that this is a point which seemed to me the most pressing in the whole case; but, my Lords, it is perfectly clear that the persons in office in the colony did not entertain any great apprehension for the internal safety and quiet of the country; still, when it was considered what discontent the resolutions were likely to produce, when it was considered what agitation was at work, some danger might possibly have been anticipated.

However, this was a most difficult question to decide. If we did not reinforce the troops we certainly ran the hazard of what has since taken place, and, as my learned and noble Friend says, we knew that we could have easily put down any outbreak if the force had been larger, and that possibly it might not then have taken place, or if it had, that less blood would have been spilled. But the opposite view might have been supported with equal probability and with plausible arguments. For if a considerable body of troops had been sent out, there would have been an end to all chance of an amicable termination of the disputes; it would have been instantly said, that we were filling Canada with troops, and that we were manifesting a fixed intention of bearing down the opinions of the Canadians by main force. Between these two difficulties, therefore, we had to decide, if we did not send out troops we were running some risk of an outbreak, if we did send them out we were giving up all hopes, we were destroying all chance, of that which every government hoped, perhaps too fondly hoped, to effect—the termination of the differences in a friendly manner. My Lords, I have fairly stated both sides of the question, and there is no point in the case which imposed upon me a greater difficulty than this intricate question which we had to decide. We decided, my Lords, according to the best of our judgment; and I do most sincerely trust that no permanent evil, that no irreparable mischief, has arisen, or will hereafter arise, from the determination to which we have come. My noble and learned Friend has made another great charge against us, and asks, after we had passed the resolutions complained of, why we did not introduce a Bill to carry them into full effect; and he has stated that the preparation of a Bill would have been an easy measure, and that it would have rapidly passed the Parliament; but the noble Lord knows well the state of the country at that period. He knows that we were bordering on a dissolution, and we all know how easy a weapon for delay this difficulty would have afforded. But then the noble Lord adds, that it did not signify whether the dissolution took place in August or in the beginning of July. That there was, however, a necessity for hastening the dissolution I thought had been generally admitted: at any rate, all parties in this House, my Lords, agreed in its propriety, and no one raised against it a dissentient voice; and it was further agreed that it would not have been proper to bring under the consideration of a Parliament whose existence was in so precarious a state any measure of great magnitude and importance. The noble Lord had also asked what good we had derived from this hasty dissolution, and he affirms that it has ended in a reduction of our majority in the other House by fifteen; but how does the noble Lord know that. I hope, my Lords, that the Members returned to the House of Commons know their duty better than to come pledged to any fixed opinion, but come disposed to hear what is said, and to form their own judgment upon it; and if such be the case how was the decrease of fifteen to be ascertained. We have certainly heard of declarations on the hustings which have not afterwards been acted up to, and I therefore hope that hon. Representatives have come to consider fairly the propositions which will be brought forward, and that they will come to a decision in favour of what they conscientiously believe to be most likely to promote the interests of the country. As to the noble Lord's observations on the beginning or termination of a reign, I may perhaps be disposed in some measure to agree with him, but, my Lords, that depends upon totally different principles, and relates to the Constitution of the monarchy itself; and most true it is, that, whether in the helplessness of infancy or the decrepitude of age, the monarch is perfectly able to discharge the functions of government, and that it cannot absolve itself from this duty. But this had little to do with the present question. It was said, that the resolution which the House had passed was, to take the money out of the public chest, and that the course which we have adopted was to pay the money from this country. But, my Lords, is there any great difference between the errors of such a course? Do the Canadians think, that there is any great difference in principle between the two measures? One is as invidious as the other, for each avowed the right to appropriate the supplies without the vote of the Legislature; and we are charged with imbecility and weakness, such as has never before been exhibited, because we have adopted a measure not less strong than the one we abandoned. My noble and learned Friend also complains, that when, on a former evening, he stated his belief that the present address would be the same as the one of 1775, I said, "No, quite different." Perhaps, my Lords, I was too hasty in giving that reply, because the present address, which contains a declaration to support the Government, is necessarily drawn up in somewhat similar terms to those of the address of 1775; but what I meant, to assert, my Lords, was, that there was every difference between the circumstances of that period and the present time, that there was no similarity between the two cases, and that I hoped there would be no similarity in the result of the contest. My noble Friend concluded his speech with some observations on the general state of Canada, and the advantage it was of to this country; and as to some of his remarks, I must own, my Lords, that to an observer of the present day only, and who looks alone to the present state of Europe, I am not disposed to say there is not some appearance of truth in the noble and learned Lord's observations; but these are matters of vast and grave importance, and ought not to be incidentally discussed. We have been told, my Lords, that these provinces contain within them materials from which might be formed a great empire; that they have vast harbours, immense natural resources, and that they are rich in mineral and vegetable products; and that it is not known of what influence they might become as a separate country. But, my Lords, it is not known how valuable all these resources may become in the hands of England herself, and our present proceedings not only involve the interests of the colonies themselves and of England also, but the honour and the integrity of this country, its interest among nations, and its character as a great empire. This question also involves, my Lords, the future welfare as well as the present security and tranquillity of these colonies. It is of great importance, therefore, that we should not listen to vague theories or fanciful suggestions; but that we should pass the address now before your Lordships, in favour of which I am sure but one feeling pervades your Lordships.

The Duke of *Wellington* said: My Lords, though I am disposed to support the present address, it was not my intention to have offered any observations to your Lordships upon the present occasion—but after the remarks of other noble Lords, I must say a few words. I certainly still feel strongly, my Lords, that the subject has not been brought before Parliament in the form which it ought to have been. I object to the present method of proceeding, not merely on the ground of form, but also on the ground of the substance of the measure itself. I say, my Lords, that the Sovereign ought to originate any measure which relates to war; and I was particularly anxious that the measure should originate in a message from the Crown, on the very grounds and for the very reasons which have been so ably referred to by the noble Viscount in the last moments of his address to your Lordships. I was anxious that her Majesty should declare herself positively on this subject, in order that there might be no doubt in this country, or throughout Europe, of the determination of her Majesty to assert her right of sovereignty; that the Government should expressly declare its feelings on this subject, and that the country should understand that the sovereignty of the Crown will be maintained at all events. I was the more anxious upon this subject, my Lords, because, in the different discussions upon this subject, more than one Minister of the Crown has stated that the measures about to be adopted are not to be promoted with the view of supporting the authority of the Crown, not with the view of vindicating the law, but to protect a party in the colonies which has adhered to and supported her Majesty's Government. I cannot think, my Lords, that this is the proper ground to take; but I conceive that, for the sake of her Majesty, for the sake of the public interest, and for the sake of the colonies themselves. we ought to have assumed the highest ground. I am quite satisfied, however, with the explanation of the noble Viscount on this part of the subject, and I state my feelings now, not with the view of casting blame, for I am sure that if the noble Viscount had adverted to the considerations which I have advanced, he would have adopted another course more consistent with every precedent relating to America, relating to Ireland, and to every other part of the empire. In respect to the address itself I must observe, that though to some parts I give my full acquiescence, yet I must beg leave to guard myself against making myself a party to any portion of the transactions either with respect to the suspension of the constitution of 1791, or to any other specific portion, till I see the measure which the noble Viscount means to bring forward. I have, my Lords, thoroughly considered this question, for I had the misfortune to differ from many other noble

Lords, and was almost the only individual who in 1831 voted against the propositions of my noble Friend near me, then the Secretary of the Colonies (Earl of Ripon). I believe that another noble Lord also opposed the Bill, but I only signed a protest against it because I thought then, as I think still, that it was a most unfortunate measure. My opinion at that time was, that the Bill ought to have contained a clause providing for its repeal in case provision were not made by the House of Assembly in Canada for granting the civil list, and if provision were not made by them to enable the king to maintain a civil Government, and I believe that the omission of this clause is the cause of all that has happened from that time to the present. I differ entirely from the noble and learned Lord in thinking that the Act of 1831 established the British constitution in Canada, for it is not consistent with the British Government to leave the civil Government of the country, and especially to leave the judges of the land to be provided for by an annual vote of the Parliament. I say, my Lords, that the British constitution for the last 150 years, at least, has made full provision for the administration of the civil Government, and most particularly for the independence of the judges, and I maintain, therefore, that the Act of 1831 did not establish the British constitution in those colonies, but something quite distinct, for it gave to the people what was considered a popular right, but which was not in fact a right, being quite foreign to the genius of the constitution of this country. It enabled a small party to raise the people against the Government, thinking to overthrow it by getting the inhabitants to stand by them, and it has ended in a few individuals inducing the people openly to oppose her Majesty's troops, and by the same individuals running off to the neighbouring territories of the United States as soon as they found that their own persons were exposed to danger. Such turned out to be the real state of the case, for the would-be leaders left the unfortunate people in a state of rebellion against her Majesty's Government, and ran off themselves, letting the unlucky inhabitants return to their houses as best they could, and forcing them to submit with the best grace to the mercy of her Majesty's Government. I warned the noble Lord against endangering the establishments of the country, by giving any thing like an authority to a popular assembly to withhold the funds necessary for carrying on the civil Government, for nothing is more necessary to a country than to uphold the civil power, and the independence, as well pecuniary as political, of the judges of the land. And let noble Lords learn from the events in Canada, and our other dominions in North America, what it is to hold forth what are called popular rights, but which are not popular rights either here or elsewhere, and what occasion is thereby given to the perpetuation of a system of agitation which ends in insurrection and rebellion, and coming to blows with her Majesty's troops. It is not my intention to follow the noble and learned Lord, or the noble Viscount, through a long discussion as to the contents of the papers now on your Lordships' table. I certainly have learned from a perusal of these papers that the noble Lords opposite had not thought it proper to send a reinforcement to the troops in Canada in the course of the last summer, and I must do the noble Lords the justice to say, that I cannot blame them for not having taken more active measures, for I happen to know several persons, and particularly officers well acquainted with the provinces, and who have been concerned in their Government, and I may safely assert in my place in Parliament, that I have received the opinions of those officers that there was not the smallest reason to apprehend anything like insurrection in Lower Canada. I do not doubt that her Majesty's Government may have received the same information, and Lord Gosford, in his dispatches, admits that he did not fear an insurrection up to a very late period, and I may add, that I believe the same opinion to have been entertained by the general commanding in chief in that colony. But at the same time I must say, that although I can impute no blame to the noble Lords for not having sent out more troops to Canada at an earlier period of the year, yet it does appear that at one period of the year, I think in March, the Secretary of State for the colonies thought it right to authorise the Governor of Canada, and the general Commanding-in-Chief, to send to Nova Scotia and New Brunswick, and move the troops from those places into Canada, and I cannot understand why the noble Lord, when he gave those instructions, especially if he thought that they would be carried into execution, did not dispatch fresh troops to Nova Scotia and New Brunswick to fill up the vacancies which would have been occasioned if Lord Gosford or Sir John Colborne had called for the troops already there. I do not, therefore, think that the non-sending out of troops to the Canadas is the most pressing point of the case, but I conceive that the point which does most press is the non-sending out of troops to Nova Scotia and New Brunswick, to supply the vacancies there. One consequence would have been, that all those colonies would have remained amply provided with troops, but another, and still more important consequence would have been, that the world would have seen, and this country especially would have been convinced of, the determination of her Majesty's Government to maintain the ground which they had taken in the resolutions of last year relative to Lower Canada—that they were determined to maintain the dominion of this country, to support those who were willing to support us, to preserve inviolate the authority of the Government, and to uphold the due execution of the law. I will not advert to what has been said by a noble Lord in the course of this evening in respect to the separation of the Canadian colonies from this country. The answer which has been given by the noble Viscount upon that subject is quite satisfactory to me. I will, however, allude, in one word only, to that part of the noble Lord's speech. I confess, my Lords, that I have a feeling for the honour of my country, and I cannot but believe that if, by any misfortune, we should fail in restoring peace in Lower Canada at an early period of time we shall receive a blow, in respect to our military character, to our reputation, and to our honour, from which it will require years for us to recover. My Lords, there is one topic which has been adverted to by the noble and learned Lord (Lord Brougham), upon which I think it necessary to say one word, although it is not adverted to in the address, and will more properly form the subject of discussion on the Bill which is to be brought in upon some future day, and that is the establishment in Lower Canada of an elective legislative council. The noble and learned Lord, with his knowledge of Lower Canada, has not, in my opinion, sufficiently adverted to the fact of the difference of the two races of inhabitants in that country. My Lords, it may be easy to talk here of establishing an elective council, but if the noble and learned Lord will look into the discussions which have taken place upon that subject, and to the opinions that have been delivered upon it by the different parties in that country, he will find that the British inhabitants are to the full as much opposed to that arrangement as the French are in favour of it; he would find that in point of fact they would be in a state of insurrection against that arrangement, in the same degree as the French are now supposed to be in a state of insurrection in favour of an elective legislative council. I will likewise beg the noble and learned Lord, and I would entreat the noble Viscount opposite, and every Member of her Majesty's Government, to attend to this fact, that an elective legislative council is not the constitution of the British monarchy, that a legislative council, appointed by the monarch, is the constitution of this country, that it is so stated in the discussions upon the Bill passed in the year 1791 by all the great authorities who discussed that measure, amongst others by Mr. Fox himself. Mr. Fox states that a legislative council, appointed by the monarch, is an essential part of the British constitution. Under these circumstances I entreat the noble Viscount, and every noble Lord, not to lose sight of that fact in the arrangement which they may be prepared to adopt. Let them not flatter themselves that they will satisfy all the inhabitants of Lower Canada by admitting the principle proposed by the French inhabitants of that colony, and most strongly urged by the noble and learned Lord in the course of the present discussion. My Lords, it has been my wish to avoid making any remarks upon any of the subjects which are likely to become matters of discussion upon the Bill to be introduced on a future occasion. I have adverted only to what I considered to have been the most prominent parts of the noble and learned Lord's speech. I wish, my Lords, to support the address, and certainly to support the Government in any measure they may think proper to adopt, in respect, and in consequence of this address, in order to bring the contest which has now commenced between this country and Lower Canada to a speedy termination, and to effect an honourable and a firm settlement of this unfortunate question.

The *Earl of Ripon* wished to offer some explanation on the point to which his noble Friend (the Duke of Wellington) had referred, namely, the situation in which the act of 1831 had placed the Government of this country with respect to the civil government of Lower Canada. It was perfectly true that when he proposed the introduction of that Act, the noble Duke opposed it, and said, he (the Earl of Ripon) would find in point of fact that the legislature of Lower Canada would readily take the boon which the bill gave, but would not establish any civil list in return. The noble Duke certainly prophesied that, and unquestionably the noble Duke's prophecy had turned out to be true. He would admit, that on that occasion he acted more or less under the influence of an imprudent confidence, and under what he conceived to be a pledge on the part of the House of Assembly in Lower Canada, namely, that they would not take the advantages to be afforded to them by that act of the Imperial Parliament without making a reciprocal concession. And what was the ground on which he founded this confidence? Not only the repeated assurance on their part that they would not take that advantage; he did not mean to say, that in so many precise words they had made that pledge, but taking men's meaning as to the course of conduct they would pursue from the language they used, no man of honour and honesty, after reading the resolutions and addresses adopted by the House of Assembly from time to time, could doubt that they did lead the Government at once to believe, that when the royal revenues were given to their control they would in return provide a civil list. Not only had he this ground for entertaining that feeling of confidence in them, but he had another reason for believing that they would keep good faith with the Government, which was this, that the province of Upper Canada, which also had had its grievances, at least as long and as fully as Lower Canada, did give a civil list; and what was the fact? That at this moment the province of Upper Canada was in the enjoyment of its share of the royal revenues, and that the governor, the secretaries, and the judges of that province were in the enjoyment for ever of an independent income, not controllable by an annual vote of the House of Assembly. The House of Assembly of Upper Canada performed their promise; but the House of Assembly of Lower Canada did not: and that was the reason why this country had been involved in all those enormous difficulties that at present existed, and out of which he confessed he was not sanguine enough to say that he could clearly see how it was to escape. But he ought also to add, with respect to the situation in which the Government stood at this moment in Lower Canada, that it was not without resources out of which the governor and judges, and those persons whom successive Governments had believed to be proper objects of an independent provision, could be paid; because the Government had the whole of the territorial and casual revenue, and they had also 10,000*l.* a year voted permanently by the Legislature of Lower Canada itself by two separate acts since 1791; so that his noble and learned Friend was somewhat mistaken if he thought that the Legislature of Lower Canada had never had any power over the purse before the bill of 1831. [Lord *Brougham:* Not a complete control.] No, not a complete control, certainly, because there were still those two resources of which he had spoken. But, in point of fact, subsequent to 1791 the Legislature of Lower Canada passed two laws giving to the Government two sums of 5,000*l.* for ever, for the purpose of maintaining the civil government in that colony. Those two sums, together with the revenues he had mentioned, would amount to not much less than 28,000*l.* or 30,000*l.* a-year. Although he admitted that that sum was not sufficient to pay all the expenses which used to be defrayed either out of the funds at the disposal of the Government, or out of the grants made by Parliament, yet, as far as regarded those particular individuals, the maintenance of whose independence in their offices was considered essential, the Government unquestionably possessed the power even yet to pay them. With respect to the proposed address, he entirely concurred in what had fallen from his noble Friend (the Duke of Wellington). He did not feel any disposition to canvass it, or to object to its adoption; but he must beg to guard himself against being supposed to express any opinion whatever as to the scheme intended for the future, or as to the attempt to be made for the settlement of this question. He confessed he knew very little about it; for his noble Friend (Lord Glenelg) had not explained it very fully. Perhaps, indeed, his noble Friend did not consider himself called upon to go very fully into it; he (Lord Ripon) should therefore abstain from expressing even the slightest shadow of an opinion upon that part of the subject. He could not, however, give his acquiescence to this address without expressly guarding himself as to another point involved in this discussion, namely, that such acquiescence on his part by no means implied any approbation of the course that had been pursued during the last nine months. He was sorry to say anything unpleasant of his noble Friend and his noble Friend's colleagues, but he (Lord Ripon) could not bring himself to think that they had managed this question in a judicious or satisfactory manner. He admired the candour of the noble Viscount at the head of her Majesty's Government, because the noble Viscount had stated in a perfectly fair and manly manner the matter about the troops, and had admitted that there was a great deal to be said on both sides; and he certainly did not appear to take any very strong ground to justify the course that had been pursued by the Government in respect to this branch of the question. For himself, he thought that that course had been a most unfortunate one, and had very much contributed to occasion the explosion which had taken place in Lower Canada, and which involved the necessity of those measures that were now suggested. It was evident that it had been the intention of the Government to send out additional troops to Canada. That intention was communicated by his noble Friend (Lord Glenelg) to Lord Gosford on the 6th of March, 1837. Well on the 22nd of March his noble Friend again wrote to Lord Gosford, and said—"Since I made my communication (of the 6th) to you, I have ascertained that it would not be possible to detach such a force without extreme inconvenience, and making a demonstration which might be productive of much greater evil than it could prevent;" and then his noble Friend suggested that in New Brunswick and Nova Scotia there were between 2,000 and 3,000 men who, in case of need, might be drawn from those provinces. Now, as it had been stated by his noble Friend (the Duke of Wellington) that it might be proper to give power to remove those troops, but that he could not conceive a more obvious policy than that of filling up the vacancy which the removal of those troops would create. But to what was this inconvenient pressure of which his noble Friend (Lord Glenelg) spoke, to be attributed? He found that Lord Gosford stated when writing on the 10th of June, not long after he had received the second letter of Lord Glenelg, mentioning that there were particular reasons against sending out additional troops, stated that he had sent to Sir Colin Campbell for a part of the troops stationed at Halifax; adding, however, this passage;—"I must repeat that these steps would not be dictated by the apprehension of any serious commotion, for I have every reason to believe that the mass of the Canadians are loyal and contented; but from the persuasion that the presence of a larger military force in this province might of itself"—do what? Increase the difficulties already existing? Increase the chance of the disaffected succeeding? Make the Government of Lower Canada less able to promote tranquillity? Not at all; but that it would "prevent the occurrence of any disturbance by deterring the ill-disposed, securing the wavering, and giving confidence to the timid." Why, if the state of Lower Canada was such that the presence of additional troops were wanting there, because there were ill-disposed persons to be deterred, wavering persons to be secured, and timid persons to whom confidence was to be given, ought not that to have led the Government to infer that the state of the province was such that it was not safe to leave it without having a power capable of overwhelming the very first attempt that might be made to disturb the peace, and thus prevent those lamentable consequences of an insurrection which, whether successful or not, was certain to occur? As time went on, the necessity of such a course appeared to have been constantly increasing. His noble Friend (Lord Glenelg), indeed, in his dispatches alluded to this fact himself, and described the rapid progress of a disposition on the part of a portion of the people to revolt; but it did not appear that the necessity of increasing the number of troops in the colony had at all crossed his mind. In consequence of no additional troops having been sent out, Sir John Colborne was at length compelled to draw every soldier from the upper province, in order to maintain his ground in the lower province. It was true that Sir Francis Head, with the gallant spirit of an English soldier, took great credit to himself for volunteering to send away all the troops from Upper Canada, and he seemed to think that it was a great thing in point of policy to show that the people of that province did not require the presence of any troops for the purpose of holding them to their allegiance, and to show also that there was no danger in that part of the country of a revolt. But the gallant officer was in error: that danger did exist. A Mr. Mackenzie, who had been so often spoken of, brought men together and there was an actual breaking out. Now it was impossible that he could have got together 500 or 600 persons to make an attack upon the city of Toronto—though he was madman enough to do almost anything, [for he was certainly the most absurd man that ever existed—if any British soldiers had been there. But they were all gone in order to put an end to the revolt, in the lower province, while the upper province was left to take its chance. It turned out that Mr. Mackenzie was beaten, and fled to the United States, where he was amusing himself in all possible ways to stir up the people to aid the revolt but where, as it was not likely he could be got hold of, he would no doubt long remain. But what did all this show? That proper precaution had not been taken by the Government. No such disturbance could have happened in Upper Canada if Sir F. Head had not felt it to be his duty, for want of a sufficient force in Lower Canada, to deprive himself of the assistance of his own troops. There was another point to which he (Lord Ripon) would shortly advert. In the upper province Sir F. Head relied much upon the militia in maintaining order. In Nova Scotia and new Brunswick the militia was also relied upon to maintain tranquillity; but this was not found to be the case in Lower Canada. Lord Gosford had felt himself called upon to dismiss a great number of the officers of the militia, and among others the great agitator, or whatever he was called, Mr. Papineau, who happened to be a militia officer: and he thought it was a very doubtful thing whether Lord Gosford would have considered it prudent to have called out the militia on his own authority, in order to act with the King's troops. Lord Gosford said that he believed, by the law of the colony, the militia could not have been called out, unless against actual invasion. But then in exact proportion to the difficulty of calling out the militia, whether arising from the state of the law or from their indisposition towards the Government, did it become the more imperative duty of the Government at home to take the precaution of having a larger body of troops established in the colony. For these reasons he could not but conceive that the matter was by no means dealt with in the way in which it ought to have been; and although he did not ascribe the breaking out of the rebellion to the want of troops, yet every one knew very well—every one at least who had read the history of the rebellion knew—that though the chances of success amounted almost to nothing, yet the madness and folly of men were sometimes so great that the slightest apparent advantage would impel them into the most absurd attempts. The Government ought therefore to have taken care that even that apparent advantage should not have existed, but that there should have been on the spot a military force sufficient at once to crush by one vigorous effort whatever rebellious schemes might have been attempted.

The Marquess of *Lansdowne* did not mean to enter into the argument which had been introduced by the noble Earl, but as the noble Earl had adverted to the fact of the troops being called away from upper Canada to serve in lower Canada, he ought also to have stated what was the fact, that Sir Francis Head, who was charged with the Government of Upper Canada and intrusted with its destiny at this moment—a destiny which he had most successfully succeeded in upholding was in fact the author and suggester of the measure for sending the troops from Upper to Lower Canada before he had been called upon by Sir John Colborne; and that he himself attached the greatest importance to the policy of exhibiting to the Canadians and to the world that Upper Canada was able to protect its own Government without any troops at all; and that whatever might be the disposition of the lower province, such was the attachment and such was the adhesion of the population to that Government, that he, without the aid of a single soldier was enabled to resist any attempt that might be made upon the Government of that colony. He had no doubt that Sir John Colborne was glad to have the assistance of those troops; but he (the Marquess of Lansdowne) would with equal confidence say that Sir John Colborne was no less glad that Sir F. Head was without them, for the sake of having given that proof which was now manifest to the world, from the circumstance that Mr. Mackenzie was at this moment a fugitive in the United States, that without a single soldier to oppose the insurgents the Governor was able to make head against them by the spontaneous aid of the loyal inhabitants of that part of the province. But he would not enter into the question of the troops farther than to remark that whatever opinion noble Lords might form upon it, there was at least a provision made for enabling Lord Gosford to supply himself with troops from Halifax, but of which that noble Lord did not think it necessary to avail himself to the full extent, because, having the power to send for two regiments, he judged it only expedient to send for one. Quitting this part of the subject, he was anxious, after what had fallen in such very candid terms from the noble Duke opposite (the Duke of Wellington), who had stated his opinion upon this question in a way which did him infinite honour, and in that spirit in which he was always desirous to give efficient support to the Government under circumstances like the present—after such conduct on the part of the noble Duke, he was anxious to remove one or two impressions which seemed partially to influence his mind with regard to the course which her Majesty's Government were disposed to pursue. The noble Duke adverted in the first instance to the course which he thought ought to have been adopted with respect to a communication being made by her Majesty to Parliament; and he stated, that he could have wished to have seen, in conformity with former precedents, a message communicated from the Throne. In conformity with precedent, a message undoubtedly would have been the proper course; but he was anxious to state to their Lordships, that it was not from want of a full sense of the importance of the occasion, or of the exertions which Parliament would be called upon to make in support of the Queen's authority, that that mode was not in the first instance adopted; but it was solely because of the occurrence happening on the day immediately previous to the adjournment, and when it was almost impossible to have obtained the attention of Parliament, almost every Member being out of town; so that even if there had been a message, it would have been impossible to have acted upon it in the form of an address. It was solely, therefore, with a view of giving importance to the proceedings of Parliament on this question by obtaining a full attendance of Members that a communication of papers was made in the first instance, and with a view also of enabling Parliament to deal effectually with these papers, and of assuring her Majesty of their intention to support her in all her rights of sovereignty. The noble Duke, professing himself satisfied with the declaration of the noble Viscount at the head of her Majesty's Government upon that subject, had stated that he had read, that in some places expressions had been used implying that there was a desire, not so much to support the Queen's authority in Canada, as to give assistance to a party in that country. He could only say, that great as their duty was to give support to her Majesty's loyal subjects in that country, who he believed would be ultimately found to be the majority there—confirmed as he was, that such was the first duty on the part of the Ministers of the Crown and of the Sovereign; yet, on the part of Parliament, he believed the first and most imperative duty to be to re-establish her Majesty's authority there. Whatever might be the result of those measures upon which they were then engaged, as affecting Canada—whether they might end in the re-establishment of the former constitution, whether they might terminate in the establishment of a new constitution, or whether they might, as he believed, unfortunately for Canada and for this country, end in a separation of that state from this—though he saw no reason to apprehend such a result, still, in the first instance, it was essential to the character of this country, that her Majesty's authority should be firmly established before any of those topics were considered, and before his noble Friend (the Earl of Durham), who, fortunately for himself, and fortunately for the country, as he hoped, had been induced to accept the important mission, could entertain those great questions which must be mooted, but which could only be mooted with safety after her Majesty's authority and the authority of the law should be established, and should allow them to be discussed lawfully, tranquilly, soberly, and with the attention their importance required. He was firmly impressed with the conviction which he had before taken occasion to express, that the vast majority of the population of Canada was attached to the Government of this country, and, for his part, he did not regret, that any symptoms of delay or hesitation might appear in these papers, indicating a disposition upon the part of the Queen's Government to adopt conciliatory measures. He firmly believed, that this course of conciliation had produced a beneficial result. He believed, that the system of concession, pushed to the utmost verge of reason, and attending to all the real sentiments and wishes of the inhabitants of that country, had been successful, if not in detaching, at least in affording moral support to many individuals in that country who might otherwise be found at the head of the insurrection. It was owing to this circumstance that men of a very different character from Papineau and Mackenzie were not only not now found leading the discontented, but were known to have receded from the ranks of insurrection, previously to the breaking out of that desperate measure, at the instigation of Papineau and his associates. The noble Lord who last addressed their Lordships had stated most truly, that the noble Duke opposite had, to a certain extent, prophesied, that the present state of things would arrive in Canada. The noble Duke had certainly prophesied, that the House of Assembly would ultimately arrive at the point of declining to vote the civil list; but it was also unquestionably true, that if that body had proved the existence of any real grievance, of any one palpable abuse calling for a remedy, the attention of Government would have been immediately directed to its removal. And if, from their numerous speeches, petitions, resolutions, and remonstrances, as well as from the examinations of their witnesses deputed for that purpose, any one thing positive and substantial could be collected, it was, that if the control over the colonial revenues, which they desired, (and which they subsequently obtained) were granted, all their wants would be satisfied; and that these "ill-used persons," as they were represented by the noble and learned Lord who had sat on the bench below him, would gladly accept that arrangement, because the settlement proposed was said to be a monument of human wisdom, embodying all their wishes and all their hopes. His noble and learned Friend (Lord Brougham) had spoken three hours upon the subject of this address, but he did not in one instance advert to that which constituted the very gist of the whole question—namely, that all the demands of the House of Assembly of Lower Canada had been conceded, and that it was under the influence of a party, who had since raised the most unreasonable demands, that all the subsequent misfortunes had arisen, and that the present insurrection had taken place. He regretted that he was deprived of the opportunity of adverting to these circumstances in his noble Friend's presence. His noble Friend had distinguished himself during the course of this evening more than even Papineau or Mackenzie had done; and he had also acted like them in running away. It was not without some embarrassment that he felt constrained to allude in terms of disapprobation to some portions of the noble Lord's speech in his absence. He could not, however, refrain from observing that he never was more astonished than to hear that noble and learned Lord make an observation similar to one which had been made by persons very much his inferiors, out of their Lordships' House; and had absolutely traced a resemblance between the present question in respect of the Canadians, and the resistance which had been made by the inhabitants of the United States upon the occasion of the memorable declaration of independence. The circumstances of the two cases were totally different, and the resistance in the one case commenced where, in the other case, it ended. The parity which the noble and learned Lord had sought to establish between these two cases reminded him of that which the famous Captain Fluellin had endeavoured, with memorable pertinacity, to institute between Alexander the Great and Harry of Monmouth,—a parallel which he founded upon the ingeniously-detected coincidence of there being "a new river in Macedon and a river in Monmouth," and made quite satisfactory to himself by means of the additional circumstance that Alexander quarrelled with his friend without a reason, and Harry of Monmouth with a reason. The resemblance which the noble and learned Lord sought to establish in the present instance was based upon quite as substantial reasoning. The Atlantic divided Canada from England, and it also divided England from the United States. There was a House of Assembly in Canada, and there had been also a House of Assembly in the United States. The analogy was, therefore, according to the noble and learned Lord, conclusively established. Unfortunately, however, for the truth of the resemblance, it failed in this important particular, that in the case of the United States the right of controlling their taxation was disallowed, while in that part of Lower Canada it would have gone on for ever but for the absurd interposition of the House of Assembly. But he should have a very different opinion from that which he then entertained as to the issue of the present contest with the Canadians, were we not determined that there should exist in that colony a free community and a free people; for he was happy to say, that it was the genius of the constitution of England, wherever it maintained a connexion with colonies flourishing in trade and commerce, to communicate to them, to leave to them, or, if they had them not, to provide for them, the means of enjoying practical freedom, and of regulating their own local and domestic concerns. But in the colonies, as at home, there were various parties to this contract, and it ought never to be forgotten that, if the Colonial Houses of Assembly had duties to perform, so also had the Crown. The noble and learned Lord had spoken that evening as if the only object in granting to the colonial assemblies the power of giving supplies was to enable them to refuse those supplies when they could not carry any political object on which they had set their hearts. Now, the main objects of a constitution were to insure justice between man and man, to advance improvement, to promote education, to diffuse intelligence, to make roads, and to conduct all the affairs of the community —all which, not once, but systematically, the House of Assembly of Lower Canada had refused to do. If it were to be contended that the House of Assembly had a right to do this, it might be as well contended that, if the Crown were to order its troops, which it had a right to control, to stand still when Canada was invaded by a hostile force, or when the property of its inhabitants was attacked by a riotous mob, it had a right to do so; for it might say, "You have not done what I wish—you have not acceded to my political wishes, and therefore the enemy shall ravage your country, and the mob shall spoliate your property." He contended, that the mode in which the House of Assembly had exercised the privileges granted to it under the constitution of 1791 was a mode calculated to defeat the end of all government. And when he found the House of Assembly on the one hand repeatedly refusing to perform its duties, and the Executive Government on the other repeatedly in collision with it, he could not help thinking that a case was made out for re-considering the constitution, not by convening delegates, as had been stated, for the purpose of making an entirely new constitution, but by convening, under the authority of Government, individuals from the existing Legislature, if there was one, and from the community at large, if there was not, in order to elicit the opinions of that community, and to submit them, with a plan of an improved constitution, to the consideration of the Government at home. That, however, was a question which could not be discussed on the present occasion, nor upon the Bill which was shortly to be introduced to the notice of their Lordships—for this convention, if it were to be called by such a name, could be assembled under the prerogative of the Crown. The noble Marquess concluded by declaring, that in his opinion it was impossible to consider the case of Upper Canada as separated from that of Lower Canada, and that in their future legislation they must consider whether the measures intended for the benefit of the former were not also calculated to promote the interests of the latter province.

The Earl of *Durham* felt, from the peculiar situation in which he stood, and more especially from the circumstance of his having accepted the high office to which his noble Friend had alluded, that it would not be consistent with his duty to take any part in the debate upon the present question. He wished, therefore, to address only a very few sentences to their Lordships—a few words explanatory of the general principles which would influence his conduct in the discharge of the grave duties imposed upon him, and of the reasons which had induced him to accept the trust. It is impossible (continued his Lordship) for words to express the reluctance with which I have consented to undertake this arduous task, to incur the awful responsibility which I know must attach to me in endeavouring to accomplish the objects of my mission; and I can assure your Lordships that nothing but the most devoted attachment, nothing but the most determined devotion to her Majesty's service and the service of my country could have induced me to place myself in the situation in which I very much fear I shall not answer the expectations either of my noble Friends who place me there, or of the country generally. The noble Duke has stated, in the course of the discussion of this evening, that he had very much regretted to hear it said that one of the objects of the intended measures with respect to Canada was merely the support of a particular party in that province. It is not with that view that I by any means shall undertake the mission. I believe that my duty, in the first place, will be to assert the supremacy of her Majesty's Government; to assert the dignity and honour of the British Crown, and to see that the law is carried into execution—that it is not set aside in the remotest cabin or in the most distant settlement. I shall not conceive that I have done my duty as long as there is the slightest pretence for considering that the dignity of the Crown or the supremacy of the law continues to be violated. Having effected that necessary and essential preliminary object, I shall consider, without reference to party, casting aside all reflections that may concern either the British party or the French party in that country—indeed, I know no French—I can regard all only as her Majesty's subjects, having effected the necessary and essential preliminary objects to which I have adverted, I shall consider that I ought to extend protection to all, to give justice to all, that I ought to endeavour to protect as much the local rights and privileges of those who are the possessors and proprietors of the soil as the great commercial interests which more affect those who are called the British settlers. The noble and learned Lord, at the end of his long and eloquent speech, has been pleased to say that I shall execute but a thankless task in carrying out with me the measure for the suspension of the Canadian constitution. I do not agree with him. I do not think that this measure, or any of the acts of Parliament which are in contemplation, can be regarded in any such light. The constitution has already been *de facto* suspended, not by an act of the British Parliament, but by the rebellion of the Canadians themselves. I consider therefore, that I go there, not for the purpose of suspending the constitution, but for the purpose of endeavouring to provide as well as I can for the extraordinary state of circumstances which has been produced by the rebellious part of the Canadian community, and which has rendered it impossible for the constitution to continue in operation. These are the views with which I shall consent to undertake what I admit to be a great and awful responsibility—these are the views with which I shall enter upon the exercise of powers greater, I know, than are usually intrusted to the discretion of an individual. Great and dictatorial as these powers are, I shall be anxious to lay them down at the earliest possible time. Believe me, my Lords, I shall endeavour to execute as speedily as possible this highly honourable, but most difficult and dangerous mission. As far as concerns the principal province, it would be my wish—and I implore my noble Friends to give me the means of accomplishing it—to effect such a kind of settlement as should produce contentment and harmony amongst all classes, enable me to establish not temporarily but lastingly the supremacy of the laws, and finally, to leave behind me such a system of Government as may tend to the general prosperity and happiness of one of the most important portions of her Majesty's dominions. If I can accomplish such an object as that, I shall deem no personal sacrifice of my own too great. I feel, however, that I can only accomplish it by the cordial and energetic support—a support which I am sure I shall obtain—of my noble Friends the Members of her Majesty's Cabinet, by the co-operation of the Imperial Parliament, and permit me to say, by the generous forbearance of the noble Lords opposite, to whom I have always been politically opposed. From the candour and generosity which have distinguished the noble Duke's remarks this evening, as well as upon all other occasions. I trust that he and those who think with him will give me credit for the good intentions which I feel, and will only condemn me if they find my actions such as shall enable them, consistently with their own character, to find fault. I will not trouble your Lordships further. I thought it right to state the feelings with which I enter upon this mission, and to explain to your Lordships that I go not for the purpose of exercising that power, that species of discreditable power, as the noble and learned Lord calls it, which is to be vested in me; but in the first place to restore, I trust, the supremacy of the law, and next, to be the humble instrument of conferring upon the British North American provinces such a free and liberal constitution as shall place them on the same scale of independence as the rest of the possessions of Great Britain, and as shall tend to their own immediate honour, welfare, and prosperity.

Lord *Glenelg* having stated, that he should trespass on their Lordships only for a very short time, in reply, said: I must be allowed with my noble Friend near me, to express my regret that the noble and learned Lord (Brougham) has been pleased to remove from this scene of action. *Abiit, evasit, erupit.* Having vented his thunder with no sparing hand, and having also heaped upon me those measures of wrath and indignation which seems to be inexhaustible in his mighty bosom, he has at length shown me that having discharged his deadly bolts, he is capable, like the Thunderer, of veiling himself in clouds. I should have been glad to have returned my thanks to him for this, the first testimony of his friendship with which he has favoured me. I have been much in the habit of hearing the noble and learned Lord launch out his invectives and point his sneers at persons infinitely above me in character and station, and much more intimately connected with himself than I have the honour to be; but I am and was surprised at the inexhaustible vocabulary with which he had charged himself against me to-night. I confess, however, that the violence of the noble and learned Lord's invective has much less weight with me, from the circumstance to which I have alluded: because I have seen it applied somewhat indiscriminately to others, not so much from opposition to any noble Lord whom he chooses to attack, but once engaged in the career of assault the noble and learned Lord is carried away with that fervour of indignation which is the characteristic of his exalted mind. I am sorry to make these observations in his absence; but it is not my fault that he has removed himself from the House. He said it was with pain and sorrow that he felt himself obliged to give utterance to the remarks which fell from him. If the noble and learned Lord were here, I should say to him, "Do not spare me your invective, but, for God's sake, spare me your pain and sympathy." I need not, I am sure, point out to the House the contrast between the speech of the noble and learned Lord, and that of the noble and illustrious Duke who followed him. In the speech of the noble Duke I recognised a mind—in his presence I cannot express half what I feel of the candour, and magnanimity of a speech which was so consistent with all his own political views, and at the same time so generously candid to his political opponents—yet I must be allowed to say, that in the speech of the noble Duke, I recognised a mind strengthened by long habit of application to the great business of the country—a mind careful of throwing bolts at random, either upon this person or upon that, and, above all, not hinting vituperation which it dared not express—a mind anxious only to do justice to the great cause of the country—anxious only to do justice even to his political opponents, and anxious by the same genius which he had already exercised in rescuing the country from danger in another theatre, to rescue it again in a different sphere, from the possible diminution of its colonial greatness. As the noble and learned Lord is not present, I will not depict in its full colours, the contrast between the speech made by him, and that made by the noble Duke. The contrast however, is one which I am sure must have struck every noble Lord who hears me. The noble and learned Lord observed, with respect to one particular point—with respect to the composition of the Legislative Council—that having declared at a somewhat distant period, that that council should be re-constructed prior to the meeting of the House of Assembly, it nevertheless appeared by the papers which had been laid before Parliament, that the Commission for effecting that re-construction was not sent out until the 22nd of August. Now if the noble and learned Lord had examined the papers thoroughly he would have found in them the explanation of that delay. It was impossible for me to send out the Commission until I had been furnished with the names by Lord Gosford. Early in March, Lord Gosford assured me that the names should be sent, and in two or three subsequent dispatches, I alluded to the want of them. Lord Gosford, however, could not send them because he found it extremely difficult, in the state of parties in the province, to select proper persons. The names did not reach me until the beginning of August. There was certainly no loss of time after the names arrived, for in less than ten days, the Commission was made out, a council held, and the dispatch forwarded to Canada. Do not let it be supposed, as the noble and learned Lord was pleased in his generosity to insinuate, that I mean by this explanation to throw any blame upon Lord Gosford. I am stating only what I am sure Lord Gosford would himself state if he were here. Then the noble and learned Lord said, that he did not perceive why this measure, which in truth ought to be applied only to a particular district, should be made general, and he was further pleased to observe, that whenever it suited my argument I represented the whole country as in a state of rebellion, and at other times spoke of it only as partially disturbed. I never on any occasion represented the whole country as being in a state of rebellion. I always said, and the papers upon the table prove the fact, that the rebellion was confined to the district of Montreal. If I apply the measures about to be proposed to the whole country, the reason is this: that although the resistance to the laws and to the authority of the Crown had been limited to one district, yet that the conduct of the House of Assembly, as the representatives of the whole country, has been such as to render it impossible for the constitution to proceed; and I know not how it would be possible to maintain good government, or any government at all, in that country, if you confined your measures simply to the district which is now in a state of rebellion.

The Earl of *Fitzwilliam* was understood to state that the inference he drew from the observations made by the noble Duke was, that no Government could succeed in Canada unless it were of an arbitrary character. [The Duke of *Wellington:* No, no.]. He knew that the noble Duke did not make use of those words; but such was the inference he drew from the remarks and the line of argument used by the noble Duke. Their Lordships need not look to the present nor to the last administration for the seeds of this rebellion; they must be sought for in a much more distant period. He begged, however, not to be included among those who doubted the success of the intended mission to the Canadas. When he considered the character of the noble Earl who was to be intrusted with that mission, he was quite persuaded that his measures would be conducted in that constitutional spirit from the observance of which alone could an advantageous result be expected.

Motion for the Address agreed to, *nem. con.*

HOUSE OF LORDS,

Friday, January 19, 1838.

MINUTES.] Petitions presented. By Lord ABINGER, from Mr. Wright, for an alteration of the Lord's Act.—By Lord FOLEY, from Baptists in Wiltshire, for the abolition of Slave Apprenticeship.

PETTY OFFENCES.] The Duke of *Richmond* presented a petition, which he said was important, not only on account of the subject of which it treated, but from its being signed by a great number of the acting magistrates of the county of Sussex. They complained that they were constantly compelled to commit persons for trial at the quarter sessions for petty stealing, and that such persons were frequently detained in gaol five or six weeks before trial, and when convicted the magistrates felt that they could award them only a very small punishment. The public, not being in the secret, naturally concluded that the offence was very trivial, or that the magistrates were too lenient. He was present when a man was tried for stealing a padlock, a toothbrush, and some other trifling articles, value 6*d.* That man had been in gaol fifty days prior to his trial, and the magistrates consequently sentenced him to only one week's imprisonment. Now, it was a question whether these petty offences ought not to be visited summarily, and whether the petty sessions, which were now generally held in private rooms, might not be held on public days, and become public courts for the trial of such petty cases, with the consent of the prisoner. The next point to which the petitioners respectfully called the attention of their Lordships was the treatment of juvenile offenders, in respect to which subject, he entirely concurred with the petitioners. They stated, and the statement was confirmed by the printed returns before the House, that a very large number of persons under the age of fourteen or fifteen years was committed to the various prisons in this country for small larcenies. The petitioners were of opinion that it would be infinitely better both for the public and the offenders themselves if the magistrates had the power and opportunity of sending such juvenile criminals to some school of reformation, instead of being under the necessity of sending them to the House of Correction, or committing them to prison to await their trial, however well disciplined those places of confinement might be. What was required most was, that they should save young offenders from the evil example and influence of their older associates, by whom in most cases they were led into crime. The petitioners prayed their Lordships' House to try the experiment, by causing some establishment of the kind to be set on foot. His noble Friend at the head of the Council was aware that the plans adopted by the Refuge for the Destitute and the Children's Friend Society for the reformation of juvenile offenders had proved to be most successful. Lastly the petitioners asked their Lordships to direct their serious attention to the Acts which were passed last year. When those measures were before the House, he ventured to move a clause to the effect that none of the offences which were to come under the description of "capital" hereafter should be tried at quarter sessions. The House agreed with him, but the Bill came up so late in the Session that there was no opportunity to send it back to the other House to have the clause introduced. It was therefore at present left to magistrates to decide before whom persons charged with grave and heinous offences should be tried. Such offences ought to be tried before the Judges of the land. He did not wish to impose additional labour on the judges, but he thought it would be more satisfactory if such cases were always put under their jurisdiction. He hoped that her Majesty's Ministers would direct their attention to the matters touched on in this petition, but if they should be too much occupied with other business, or were not agreed on the prayer of the petition, he should hereafter move that it be referred to a Committee of their Lordships.

Lord *Brougham* agreed with the noble Duke that this was an important subject, and that it was one which imperatively called for inquiry, he thought all who had listened to the noble Duke would admit. He was one of those who supported those Bills which had diminished the amount of capital offences, and by which capital punishment was restricted to very few crimes; but he never had thought that the change thus made in the law would have the effect of superseding the ordinary jurisdiction of the higher tribunals of criminal justice, and transfer the administration of the law in those cases which had ceased to be capital to the magistrates at quarter sessions. Certainly he had never understood that arrangement to be a part of the project. He thought this subject ought to receive immediate consideration.

The Duke of *Richmond*, in justice to the magistrates of the county of Sussex, must say, that they were very well aware that they had power to try any offence not capital, but it was not their custom. They had made no complaint against the judges, who had no power to interfere with them by any order. What the magistrates complained of was, that the discretion was not removed from them, and that there was no fixed rule. Among fifty, or sixty, or a hundred magistrates, of course some would take one view of a case and some another. He saw no objection why an Act of Parliament should not be passed to have certain cases tried before the judges. It was not the wish of the magistrates of the county of Sussex to relieve themselves from any trouble; but their object was to secure a better administration of public justice. It was perfectly well known that some judges on the circuits were constantly saying "Why do you send this petty case before me?" While others would as often say "Why was that case tried at the quarter sessions, why did you not send it up to the assize?" All that the magistrates wanted was some definite regulation on the subject, and one that would be binding, so that this matter might not be left to the discretion of individuals. He had no doubt that a Bill having this object in view would easily pass through the Legislature, and he therefore hoped that the Government would introduce one at an early period. If not, he would again take the liberty of bringing the subject under the notice of the House.

Lord *Wharncliffe* had no doubt that great and capital offences ought to be tried by the judges of the land, or that a bill of the nature recommended by the noble Duke could be easily passed through the Legislature, and therefore he would suggest that a bill should be brought in immediately for confining minor cases to the jurisdiction of magistrates, and sending great offences before the judges. There could be no doubt, that a solemn trial before the judges would have a much greater influence than a trial at a quarter sessions before the magistrates.

Lord *Abinger* said, his noble Friend had taken pains to show that the magistrates had not complained of the judges, but that they had complained of each other, many of the magistrates thinking that they were bound to save the public expenses as much as possible; and he should not be surprised that, if such a bill as that recommended were brought in, they would hear an objection made, that the consequence of sending an increased number of cases to the assizes, would be a proportionate increase of the county-rate. Of course, grave and heinous offences ought to be carried before the judges; but there were certain offences, not exactly of a petty character, but for which the punishments were fixed, which might be tried at quarter sessions.

Petition laid on the table.

AFFAIRS OF CANADA.] Lord *Brougham* said, that he had been intrusted with a petition from the Baptist congregation of the Romney-street chapel, Westminster, deprecating the Canadian war; he had also a petition to the same effect from the inhabitants of the metropolitan borough of Marylebone, unanimously agreed to at a numerous meeting convened by public advertisement. In the prayer of these petitions, and in the general feelings and principles which actuated the petitioners, it was unnecessary for him, after what had passed in the House both last night, and in the debate which took place last summer, to state more, than that he concurred most heartily and cordially. But he wished to apologize, if he took this opportunity of stating the real cause of an omission on his part last night, which might betoken a want of respect both to their Lordships and to his noble Friends behind him. He understood that last night, after he had left the House, observations, some of them in a vehement, others conveyed in a pleasant, strain, had been made upon his accidental absence at that period. Now, he would state the cause of his absence. He had heard his noble Friend at the head of the Government admit that he had no defence to offer to the main charge which he (Lord Brougham) had felt it to be his painful duty—he retained the words, notwithstanding the denunciations of it by another noble Friend of his (if, after a night's repose, and refreshment, and rest, the noble Lord would still permit him to call him so—in spite of the denunciation into which the noble Lord had worked himself up respecting that absence)—when he had heard, he repeated, his noble Friend at the head of the Government state that with respect to the charge which it was his (Lord Brougham's) painful duty to bring, he was at a loss to defend or justify the Government; he really had supposed that there was an end of the debate, and he found he was confirmed in that view —in that mistaken view, as it now appeared to be—because another noble Friend of his, the President of the Council, having got up and presented himself to their Lordships, apparently with the intention of addressing the House, but had sat down again without doing so.

The Marquess of *Lansdowne* observed, that he gave way to the noble Earl opposite (the Earl of Ripon).

Lord *Brougham* had not been aware of that; but the noble Marquess having resumed his seat, he had thought that his noble Friend had determined not to speak or to answer his speech. However, having thus stated one reason for his going away, he must also add, that yesterday he was only partially and slowly recovering from a severe indisposition, that he had been two days under medical treatment, and had been desired, in this weather, to take great care not to expose himself at night; this further apology he had to offer to his noble Friends and to their Lordships for the discourtesy he had shown by having left the House. But then he wished to consider whether his noble Friend had any ground of complaint against him, or if any other noble Lord had any ground of complaint, none had a less right than had his noble Friend, the Secretary for the Colonies; for he had been informed upon all hands, that if he had been present, he should have deprived his noble Friend of the very best part of his noble Friend's speech in reply; indeed, some of the admirers of his noble Friend had said, that his presence would have deprived his noble Friend of the expression of the very best things he ever said in his life. Amongst other remarkably pleasant things, his noble Friend had said that he (Lord Brougham) was like his friend Papineau and others.

Lord *Glenelg:* I did not happen to say that.

Lord *Brougham:* Then I have no right to complain; the noble Lord says he did not make the comparison. I was not present myself, and I must have been misinformed; it was, however, so represented to me. He had also been told, that his noble Friend had, in allusion to his (Lord Brougham's) absence, made use of not a very refined or courtly word when his noble Friend said that he had bolted.

Lord *Glenelg:* I never used it.

Lord *Brougham* resumed. If it were so, as he was bound to believe, then he began to be afraid that he had been totally misinformed, and that his noble Friend did not say any of those good things which his noble Friend's admirers, flattering his noble Friend, had told him were the best things his noble Friend had ever said in his life. It, however, turned out to be a mistake, and that his noble Friend had only compared him to those persons in Canada who "had gone across the line." Now, he (Lord Brougham) could not arrogate to himself the merit of any similarity of conduct compared to that of those rebels or resisting parties in the province of Canada; for he had not retired across the line—he had not left his place or the House from any fear of her Majesty's troops—he had retired across the line in consequence of the accidental circumstances to which he had referred. It did not, however, appear, that he had got out of the way of her Majesty's troops; but here, however, he was again ready to defend himself to the best of his humble abilities against any attempt by her Majesty's troops to put him down, as he hoped they would put down those parties to whom he had been so unworthily likened. His noble Friend had, however, last night said, that the Canadians had already received concessions, and were now only quarrelling about a further demand, which was unreasonable, and which they had never before urged, and the present state of things was the consequence of yielding to their demands. But he had shown last night the Canadians had not been given that which they felt of the only real value — namely, an Elective Legislative Council. It had been said, they had already received a great gift. This reminded him of the miser in the play, who said, "Thank God, I never gave anything away in charity, except once a bad shilling to a blind man for holding my horse." This was exactly like what this country had given to those on the other side of the water. He rejoiced in the great patriotism displayed by his noble Friend, Lord Durham, by undertaking the mission with which he was charged. His noble Friend had last night stated, that extensive powers were conferred upon him, and therefore he concluded those powers would include the authority to grant an Elective Legislative Council; if they did not, he warned his noble Friend and those who sent him out, that if they did not give him that—the only power which would please the Canadians—they had better not send out any person at all. If his noble Friend was going out merely to report and to receive fresh instructions, it would only be further delay, for the first thing he would have to report would be, that the Canadians would be satisfied with nothing short of an Elective Legislative Council.

Viscount *Melbourne* said, that the explanation, on the ground of personal indisposition, was amply sufficient to account for the departure from the House last night of his noble and learned Friend at the time he did; but he apprehended that it was unusual for any noble Lord, after making a speech animadverting upon the measures of the Government, to withdraw from the House without hearing the reply that could be given to those animadversions. He must say, with great deference to his noble and learned Friend, that if he had confined himself to the plea of indisposition, which was amply sufficient to account for the conduct he had pursued, and if his noble and learned Friend had omitted the other parts of his speech, and the other excuses it contained, which did not appear to him to be of the same strength, he would have pursued a much better course. He (Viscount Melbourne) was a much older Member of Parliament than his noble and learned Friend, but if he did not feel his noble and learned Friend's superiority on this and other subjects, he would offer him the advice, not after he had retired to calculate by inference what might take place in the course of the debate, who might speak, or what might be likely to occur, for nobody could anticipate any of those facts; but to do that which he was sure his noble and learned Friend would admit to be due to the House in general, and to those upon whom he had severely animadverted in particular—to remain (except, of course, personal illness, which no man could avoid, prevented him) and hear what was urged upon the subject in the defence. The inconvenience of a contrary practice had been made evident from the course taken to-night by his noble and learned Friend, who, in consequence of not having heard what had taken place, sought to renew afresh the debate of last night, and to enter upon the arguments used on that occasion. Not only this, but his noble and learned Friend had been led into a misapprehension of that which he really had heard, and which did take place in his presence. He did state, he certainly had conceded the point as to the not sending out troops last season: he felt that to be the most pressing part of the argument, the most difficult part of the case which the Government had to answer, but at the same time he had stated, that he considered this point to be perfectly defensible, and that there were just grounds for the course the Government had pursued in that respect. His noble and learned Friend had said, that he had maintained that course by no argument of any force or validity: of that it was for others to judge between his noble Friend and himself. He, however, by no means admitted, that there was not a complete defence for the course which the Government had pursued.

Petitions laid upon the table.

HOUSE OF LORDS,

Monday, January 22, 1838.

Answer to the Address.] The Duke of *Argyle:* My Lords, in obedience to your Lordships' commands, I have had the honour of waiting on her Majesty with your Lordships' Address, and I have been directed to lay before your Lordships her Majesty's most gracious Answer.

The noble Duke read the answer, as follows:—

"My Lords,—I thank you for the assurance of your determination to support my efforts for the suppression of revolt and the restoration of tranquillity in Lower Canada.

"I deeply regret the unhappy events which have taken place in that part of my dominions, and it shall be my earnest endeavour, with your co-operation, to make effectual provision for the restoration of order in that province, and for the permanent welfare and prosperity of all classes of the inhabitants.

"I have observed, with great satisfaction, the spirit which animates the loyal and faithful subjects of my Northern American provinces, and their zealous exertions in support of my authority, which entitle them to my warmest acknowledgments."

HOUSE OF COMMONS,

Monday, January 22, 1838.

Minutes. Petitions presented. By Mr. Grote, from Lynn, in favour of the Ballot.—By Sir S. Whalley, from Marylebone, by Mr. Harvey, from Kettering, by Mr. Leader, from St. James's and St. Martin's, Westminster, from Paddington, and other places, by Sir W. Molesworth, from Leeds, and two places, and by Mr. Hume, from Edinburgh, deprecating the conduct of Government in relation to Canada.—By Sir S. Whalley, from St. Pancras, to place the hon. Member for Southwark on the Pension List Committee.—By Mr. Ord, from Newcastle-on-Tyne, to repeal the duty on Marine Insurances.—By Mr. Wakley, from a Working Men's Association at Bristol, and other places, for an inquiry into the Cotton-spinners Association.—By Mr. Denistoun; from Glasgow, for an establishment to examine and license Masters and Mates of Merchant Ships; and from the same place, against any additional grant to the Scotch Church.—By Mr. Yates, from Carlow, for the total abolition of Tithes.—By Mr. Darby, from Hop Growers in Sussex, against the duty on Hops.

Canada—Mr. Roebuck's Petition.] Mr. Grote moved, that the Petition of Mr. J. A. Roebuck, presented by him on Wednesday night, be read.

The petition was read.

Sir *R. Inglis* begged to call the attention of the House to the omission of one phrase which had been made in this petition — viz., the omission of the word "humbly" in the sentence "and your petitioner therefore prays." He assumed that it was entirely accidental, but it was a phrase which it had been the invariable practice of the House to require. If the petition had been presented from any ordinary person, he should not have thought the objection necessary, and he would have been the last person to have made such a complaint.

Mr. *Grote* was sure it never had been the intention of Mr. Roebuck in preparing his petition, or of himself (Mr. Grote) in presenting it, that there should be any omission, or that it should be couched in a manner contrary to the established forms of the House. He was not aware that "and your petitioner humbly prays" was required by those forms as an essential phrase of the petition, and he rather thought (if his recollection were right on this point), that on several former occasions he had presented petitions without it, and had nevertheless considered that he had done his duty, and that the petitions were in decorous and respectful language. He felt satisfied, that it was not the intention of Mr. Roebuck to omit any form of words which a sense of respect and courtesy to the House required.

Sir *R. Inglis* only wished to observe, as the hon. Member for London had said the omission in this case had been unintentional, though he thought also that it had been made in former petitions when no objection had been raised, that the only exceptions made to this rule were in the cases of Peers and Quakers, to neither of which classes did the present petitioners belong. As the hon. Member had said the omission was one of inadvertence, there would probably be no difficulty in conforming, in this instance, to precedent. He did not wish to raise the privileges of the House too high, but every one who had had the honour of a seat in the House, as was the case with the petitioner, must see the necessity of its forms being attended to, and if the petition had been from an ordinary person, he should not have noticed it.

Mr. *Grote* proposed that John Arthur Roebuck, esq., be heard at the bar of the House as the agent of the Assembly of Lower Canada, against the Canada Bill on the second reading thereof. From the few words which were spoken in the House on Wednesday night on this subject, he hoped there would be no difficulty in his motion being allowed, and that whatever might be the opinions of hon. Gentlemen as to the policy or propriety of the measure, they would think it was not more than justice itself required that an opportunity should be given to the agent of the House of Assembly of Lower Canada, of stating their case before the House of Commons. In the preamble of the Bill now pending in the House, the House would perceive, that in point of fact, the sitting of the House of Assembly would be essentially prohibited; that this was what it was intended most particularly to prevent, and it was a question on which both the House of Assembly, and the whole body of people of Lower Canada were most directly interested. The suspension of the constitution was, in fact, a suspension of the House of Assembly, which was the most important part of that constitution; and it was impossible, when Gentlemen saw how much the people of the colony were interested in the decision of the question now before the House, as to the right of the Assembly to hold their sittings, and recollected the imperfect information they possessed, and how completely all that information came from one side of the question, for them to think that they could come to an impartial opinion upon the bills without giving full opportunity to those persons who represented the feelings of the House of Assembly, and were well acquainted with the affairs of Lower Canada, from setting forth their case fully and fairly before the House. It would be in the recollection of the House, that the noble Lord, the Member for Stroud, in his speech on Tuesday night, laid as his ground, indeed it was his principal ground, for the introduction of the present measure, the entire want of confidence which he felt in the House of Assembly; and the noble Lord went through the acts of that House for a series of years, to prove that they had forfeited all claim to confidence, and were no longer worthy to be viewed in their legislative character. Whether the House thought that the noble Lord had adduced sufficient evidence to justify that assertion he would not now stop to inquire, but he would say, that it was a matter of justice and equity to give the agent of that body, now in England, an opportunity of defending them at the bar of that House against accusations which it was most painful to hear. He did not anticipate that any objection could be made on the principle of the motion. As to the question of the proper stage at which Mr. Roebuck should be heard (assuming that the House allowed it at all), he believed that invariable precedent had decided that an agent could only be heard after the second reading of the Bill to which he objected should have been agreed to. He did not wish the House to depart now from the established course, and therefore hoped Mr. Roebuck would be heard after the second reading had been agreed to. Inasmuch, however, as he in common with several other Gentlemen in the House, entertained serious objections to the principle of the Bill, and as he should be sorry that by proposing this course, he should be thought to acquiesce in it, he would just state, that he had done so, as he thought it was a more convenient course for the House to enter into a full and fair discussion after they had been put in possession of the facts and reasons which would be stated by Mr. Roebuck, and that the second reading being now formally agreed to, a full discussion of the Bill both in principle and detail might take place on the question that the Bill be committed. He was quite sure, that if the House decided on the Bill without hearing Mr. Roebuck, they would be guilty of inadvertence in deciding without that evidence which was most material for its due consideration. He, therefore, begged to move, that Mr. Roebuck be heard at the bar of the House.

Mr. *Gladstone* said, that although he concurred in the general considerations of the hon. Member for London as to the advantage of hearing some individual well acquainted with Canada matters on the question before the House, and therefore that it would be most desirable to hear the gentleman before named, he at the same time felt it his duty to protest against any recognition by the House of Mr. Roebuck as the agent of the House of Assembly. The hon. Gentleman on the previous night had cited the case of Mr. Lymburner in 1791, but this case differed from the present in two particulars—the first was, that Mr. Lymburner represented the whole province, or interests common to the whole province, and there was no difference or dissension; and the second point (which was more important) was, that Mr. Lymburner had been especially deputed by the community or a large portion of the community of Canada, and that he was deputed *pro hac vice;* but Mr. Roebuck was not so deputed, and he came pleading the general title of agency, out of which he deduced his claim to act on behalf of his constituents, and appear at the bar of the House. He was not aware of any constitutional privilege or right for colonies to appoint agents with powers of this general description, and if allowed in practice it must lead to interminable confusion. If it were allowed to the lower House in any colony to appoint an agent, it could not be refused to the Legislative Council, and then every dispute would be transferred from the colony to this country, and all questions would be settled at the Colonial-office here, after the Colonial Secretary of State had heard the statements of the respective agents. He did not say whether this was a good system of government or a bad one, but it was essentially different from that by which our colonies were regulated now. As regarded the inconvenience which could not be disputed, the question was how to avoid it, and to him it was a most serious one. There was nothing that he should regret more than that the prayer of the petition should be rejected. It was, in his opinion, most desirable to hear Mr. Roebuck. The House had listened to him on former occasions, and profited by his accurate knowledge of the matter in question. He had often appeared in the House as representative of the House of Assembly, and as he was perfectly qualified as a member of the bar to act as their agent, he thought it was a case of equity that he should be heard. He would not deny that the House of Assembly had a right to appoint an agent for a particular purpose, yet when he recollected the course recently taken by that House, he objected to their agent being recognised by the House of Commons. When he recollected what had been done on former occasions upon the Municipal Corporations Bill, when the parties had been heard by their agents at the bar of the House, and that there were many other precedents for such a course, he could not bring himself to recommend a rejection of the prayer of the petition. But admitting the incapacity of the House of Assembly to depute either Mr. Roebuck or any other person to be their agent, it appeared to him better to omit the words "agent for the House of Assembly" from the petition, but not to oppose his being heard. He did not say this course was unobjectionable, but nothing could induce him to recognise the title of Mr. Roebuck, satisfied as he was, that it would lead to every sort of anomaly in practice, and difficulty in conducting the business of the House.

Lord *J. Russell* was glad that the question had been reserved for discussion until to-day, in order that the House might fully consider the position in which they were placed. He was glad the hon. Member who had just sat down had stated his views on the question now before them, and he was also glad to find that the hon. Gentleman was of the same opinion which he himself entertained, not to allow objections of a mere formal nature to prevent their hearing Mr. Roebuck on this important question. He would say, perhaps, if the bill only partially affected Lower Canada, or its interests only incidentally, it might be proper for the House to take the point of form and consider whether they ought to hear Mr. Roebuck in his character as agent; but on the present occasion he was rather disposed to look at the position in which Mr. Roebuck had for some time stood. Mr. Roebuck stated, that having the resolution of the House of Assembly, authorizing him to act as agent, he sought permission to address them in that capacity. He did not believe that Mr. Roebuck had been ever recognized as agent of the House of Assembly at the Colonial-office, though he had been sometimes received there as their representative, and the payment of a certain sum in the item of contingencies to Mr. Roebuck, for his services and the expenses which he might incur by acting in this character, had been agreed to by the governor. Such being the case, he thought it was better on an occasion of such great importance, so vital to the House of Assembly of Lower Canada, that the House should hear Mr. Roebuck in the character which he assumed, not as agent for the province, not as agent appointed by a bill consented to by the governor of that province, but as the agent chosen by the House of Assembly to represent their interests. The hon. Gentleman who had last spoken had proposed that Mr. Roebuck should be heard in his individual capacity, but he thought that this would be a precedent leading to worse consequences than the one he mentioned, of hearing him as agent of the House of Assembly. In the character thus assumed by Mr. Roebuck, there could be no objection in a question of such great importance to the colony to hear an agent appointed by that House, who in this country represented them, and who received a salary for that purpose; but if they heard him merely in his individual capacity, he thought hereafter it might be open to any private person to say, "I take great interest in the affairs of a certain colony or of a certain bill, and therefore I request to be heard at the bar of the House in opposition to this bill." That would in his opinion, be a worse precedent than the one he was prepared to recommend, and he should, therefore, agree to the motion of the hon. Member for London. The proper question to be before the House was, that the order of the day for the second reading of the bill be then read, upon which it would be open for the hon. Member, or any one who held the same opinion, to make any motion they might think proper.

Lord *Stanley* agreed with the noble Lord that the present Government could not, by any possibility, have any reason to oppose the hearing of Mr. Roebuck in his character as agent of the House of Assembly. It was true that that Gentleman had been received at the Colonial-office as the agent of the House of Assembly, and the Government had given their sanction to this assumption by recognising the motion of the House of Assembly for a certain sum of money to be paid to him as such agent. The Government, therefore, could not refuse to hear him; but this argument had been rendered more necessary by the opportune protest of the hon. Member for Newark. He believed that, except the present Secretary, there never was a Colonial Secretary of State who had ever received a gentleman as the agent of a colony permanently residing in this country. He could speak for himself and for the noble Lord who had preceded him in the direction of colonial affairs (Lord Ripon), and he made this statement in the presence of a noble Lord who, at that time was Under Secretary of State for the Colonies, and who would be able to contradict him if he were wrong. M. Vigier at that time stood in precisely the same situation as Mr. Roebuck, and though he was frequently received at the Colonial-office as a person perfectly competent to speak to the affairs of the province—received just in the same manner as a body of merchants in London would have been if they wished to make any representation of their views to the Colonial Department—yet he could for his own part, and on the part of Lord Ripon, declare that they had declined to receive that gentleman as the authorised and resident agent in this country of the Canadian House of Assembly. The whole colony would have a right to complain if one individual, representing only one portion of the Legislature, should be received at the Colonial-office as agent, and authorised to speak in behalf of the colony with respect to questions on which a great difference of opinion existed among the different branches of the Legislature. In 1828, one of the objects sought for in the petition presented from the colony was, that it might be allowed to appoint an agent; and the recommendation of the Committee which sat at that period was, that the colony should be allowed to appoint by bill an agent; but, from the peculiar circumstances in which that colony had since been placed, it so happened that the House of Assembly and the Legislative Council had never been able to agree in the selection of any one individual, because they had never been able to agree on the principle, which should be represented. He had thought it necessary, therefore, to rise in support of the protest entered by his hon. Friend (Mr. Gladstone), and to declare how well judged and well timed he considered that protest to be, particularly after the statement of the noble Lord, who appeared in all respects to recognise the right of Mr. Roebuck to be heard as the agent of the House of Assembly of Lower Canada. If he were to follow the dictates of his own judgment, he should have little difficulty, in an ordinary case, in saying, that Mr. Roebuck had no right to be heard; but, if he followed the dictates of his own feelings only, he would say, "By all means give Mr. Roebuck every possible latitude in explaining his views." But the difficulty he felt arose out of his being called on to hear Mr. Roebuck as agent for the House of Assembly. He repeated, however, that the circumstances of the case were of a peculiar nature. If the case were an ordinary one, and if it were possible to communicate the intentions of the Government in this country to the Legislature in the colony, the proper and regular course would be for the House of Assembly, or some party in the colony, to appoint an agent *pro hac vice* to support a petition sent from the colony, and praying to be heard by counsel. The difficulty in the present case was this, that there was no time, and there was no opportunity, for consulting the House of Assembly as to the course that body might wish to pursue. The House of Assembly would have no knowledge of the existence, perhaps, of the present Bill, before it became law, and certainly not before the second reading was passed, and the principle affirmed. He, therefore, had to make a choice between two conflicting difficulties, either of hearing Mr. Roebuck in a character to which he (Lord Stanley) could not admit that gentleman's right without a protest; or, on the other hand, of debarring a party in the colony from being heard by the mouth of the learned gentleman, who, he was bound to say, faithfully represented the views of that party composed of the majority of the members of the House of Assembly. He believed, that if circumstances allowed of the meeting of that Assembly, Mr. Roebuck would be selected by the great portion of them to support a petition from them to that House. Such being the case, he confessed that he was prepared, against his judgment in an ordinary case, and solely on account of the extraordinary and embarrassing nature of the existing circumstances, knowing, as he did, that the House of Assembly would have no opportunity to present a petition to that House previous to the second reading of the Bill, acknowledging, too, the necessity of not leaving the shadow of a pretext for saying, that even the means of protesting against the present Bill were denied to the parties, whom that House felt and believed to be in the wrong, he was prepared, he repeated, under these circumstances, to give his consent to the hearing of Mr. Roebuck. He would even wave the technical difficulty of hearing him as the agent of the House of Assembly of Lower Canada, but he would not hear him as a matter of course, or without protesting against his right to be heard excepting as a matter of favour.

Sir *G. Grey* said, that concurring in the conclusion at which the noble Lord had arrived in the latter end of his speech, he earnestly trusted that no more time would be wasted in the consideration of a question which the right hon. Baronet opposite (Sir R. Peel) had admitted to be a very subordinate one. He agreed with the right hon. Baronet in so thinking, for he did not believe that any Gentleman, considering the circumstances of Lower Canada, and the provisions of the bill which had been brought in for its better regulation, objected to Mr. Roebuck being heard. But when the noble Lord assumed that the Government had recognised Mr. Roebuck in a different capacity from that in which Mr. Vigier had been recognised, he must be permitted to dispute the accuracy of that statement. The noble Lord said, that the Government had recognised the salary of Mr. Roebuck, but the fact was, that the Government had never recognised it as a distinct item, for it was included in the contingencies which were voted by the House of Assembly; and when the noble Lord held the seals of the Colonial-office, being then one of the confidential advisers of the Crown, the salary of Mr. Vigier was voted by the House of Assembly in the contingencies, was paid under a warrant from the governor, and was afterwards affirmed in a bill of supply. [Lord *Stanley:* There was no supply bill.] True, the noble Lord was correct. There had been no supply bill passed. But though the supply bill was rejected in 1833, yet the report of the Committee of 1834 contained in the dispatch of the noble Lord, adverting to the grounds on which he thought the assent to the bill should be withholden; and he had a right to assume, that every objection entertained by the noble Lord to that bill would be set forth in the despatch. Did it, then, appear by that despatch, that it had been made an objection to the bill of 1833, that it included the salary of Mr. Vigier? And if it did not so appear, was he not bound to assume, that if the bill had been submitted for the Royal Assent, the noble Lord would not have advised the Crown to withhold its assent on account of its including Mr. Vigier's salary? He took blame to himself for not having looked for the answer addressed by Lord Glenelg to Mr. Roebuck, but it was his firm conviction that at no time had Mr. Roebuck been recognised in a different manner from Mr. Vigier. The resolution of the House of Assembly appointing Mr. Roebuck its agent, gave that gentleman a claim to the courtesy of a reception at the Colonial-office; and Mr. Roebuck had never been denied an audience whenever he wished to represent the feelings of the House of Assembly, or to state anything to the head of the department which he might have thought conducive to the interests which had been intrusted to his care. Neither was the door of the Colonial-office shut against any gentleman representing any interest in Lower Canada, and the agent of any commercial interest always found ready access to Lord Glenelg, who listened to all their statements with that attention he was bound to give to the observations of individuals who, though they might have no legal title, were yet, in point of fact, known to be the representatives of a great body of people. But when it was charged against the present Government that they were about to establish an inconvenient precedent, he asked the hon. Gentleman opposite why, when the former Member for Shrewsbury brought forward, in the last Parliament, a motion expressly aimed at Mr. Roebuck, having for its object to exclude from Parliament the paid agent of any colony, the hon. Member did not then rise in his place and deny that Mr. Roebuck was the agent of the House of Assembly. At that time the House of Commons had, by admitting the fact, which by a sort of special pleading they might have denied, as fully recognised Mr. Roebuck in the character of agent as the Colonial-office ever had done. As the general feeling of the House was in favour of hearing Mr. Roebuck, it would be advisable to waste no more time in discussing what, after all, was but a question of subordinate importance.

Mr. *C. Buller* understood the hon. Baronet to say, that he was unable to find Lord Glenelg's letter in consequence of the great confusion that prevailed in the Colonial-office. ["*No, no!*"] Well, the hon. Baronet had forgotten to bring the letter with him to the House; but he asked the hon. Baronet whether it did not run somewhat in the following terms:—"Sir,—Seeing that you do not claim to appear here as agent of the province, but as agent of the House of Assembly, I shall be happy to see you?" It was in the capacity of agent for the House of Assembly that Mr. Roebuck wished to be heard, and as everybody thought that he ought to be heard in that capacity, there was no dispute that he ought to be heard, and, consequently, he supposed the House was prepared to adopt the advice of the hon. Member for Newark, who thought that the ingenious and valuable precedent ought to be set of hearing Mr. Roebuck in his individual capacity. It appeared, then, that the House was determined to hear Mr. Roebuck, and consequently resolved to hear him in no capacity whatever. If, however, Mr. Roebuck was heard, not in his character of agent for the House of Assembly, but in his individual capacity, he saw no reason why the precedent thus set should not be followed on other occasions; and, for his part, he could say that he would rather hear Mr. Roebuck than most of the Members of that House. In conclusion, he might be permitted to say, that he was glad to hear the noble Lord declare, that he would not follow the dictates of his own judgment on this question.

Sir *G. Grey* explained, that he had not made any search for Lord Glenelg's answer at the Colonial-office, and he had no doubt that, had he searched for it, he should have found it. That answer might be in the terms stated by the hon. Gentleman, but circumstances of a private nature, over which he had no control, had unexpectedly prevented his attendance at the Colonial-office that day.

Mr. *Gladstone* had not recommended the House to hear Mr. Roebuck in his individual capacity, but he thought that the House might take on itself to do what it had as full a right to do as the House of Assembly, and make Mr. Roebuck an agent for the purpose of giving him a claim to be heard.

The question was carried, that Mr. Roebuck should be heard at the bar.

AFFAIRS OF CANADA.] On the motion of Lord J. Russell, the Order of the Day for the second reading of the Lower Canada Government Bill was read.

Bill read a second time.

Mr. Roebuck having advanced to the bar, proceeded to address the House. He began by stating, that it might, perhaps, be requisite at the commencement of his address that he should establish rather more strongly than he had done in his petition the peculiar position in which he wished to stand before that House. He held in his hand an attested copy of the resolutions passed by the House of Assembly of Lower Canada, appointing him agent in this country, and if it should please the House, he would hand in that attested copy to be read by the clerk at the table. He also held in his hand a letter from the Speaker of the House of Assembly of Lower Canada, communicating those resolutions to him, which letter, inasmuch as it contained terms flattering to himself, he should also prefer to hand to the clerk to be read. He did not know whether it was the desire of the House to have them read, but there they were. [The documents were handed in.] Mr. Roebuck then proceeded to say, that he appeared before the House as agent for the House of Assembly of Lower Canada under peculiar circumstances, which he hoped would win for him the kind consideration of that House. Old associations might possibly induce him to forget, under the excitement of the things which he should have to say, the very novel situation in which he stood. He might in the course of his address to the House make use of some expressions, and he claimed from the House at the commencement of his address the right to make use of them. He should have to attack a succession of bad governments in Canada; and he should have to defend against a bill of pains and penalties the House of Assembly of Lower Canada. In defending that body he should have to attack her Majesty's Ministers, and in doing so, he did not suppose that he should be guilty of any offence towards that House, for he had a right to consider that the Ministers made no portion of that House. He did not consequently feel himself bound to show to them that respectful deference which he would show to the House; for it was always his wish to address the House with due deference and respect. But the House had now before it two parties—the House of Assembly of Lower Canada on the one hand, and her Majesty's Ministers on the other. There was now on the table of the House a bill of pains and penalties, and that bill of pains and penalties was directed against a whole people acting through their assembled Representatives. And who, he would ask, had suggested that Bill? He would have to say, that it was suggested by the guilty parties on the present occasion, and who ought to be punished, and not the House of Assembly. It would be his duty to prove that every act of the House of Assembly had been framed in a spirit of wisdom, that all the acts of that body were wise, and just, and politic, and that they had advanced no demands which the interests of their constituents did not require them to put forward. He would have to show, that they had gradually obtained their demands, and that those demands had been acknowledged to be just, although the House of Commons was now, at last, called on to pass a bill of pains and penalties against a whole people for the representations they had made. That was a state of things, not brought about as the consequence of any misconduct on the part of the House of Assembly, but, on the contrary, he would say, that it was brought about as the consequence of the weakness, the vacillation, and the strange inconsistency of her Majesty's Ministers, not by the conduct of the House of Assembly of Lower Canada. Such was the position in which he was placed. He would have to throw himself before the House as the advocate of the absent—as the advocate of those to whom every bad passion and motive had been ascribed—as the advocate of those distant parties who were unfortunately subjected to vast difficulties, and who were now struggling for the liberties of their country. Such was the task he had undertaken, and he hoped he should not appeal in vain to the sympathies of a body of his countrymen. He would, therefore, confidently ask the House to hear him patiently in support of those who had no other advocate to defend them but the humble individual who then addressed the House, and who were about to suffer from a bill of pains and penalties which would have been a disgrace if directed against the servile inhabitants of Hindostan, but which was more calculated for them than for the free colonists of Great Britain. What, then, was the defence he had to offer? That every act of the House of Assembly, which had been arraigned in Parliament or out of it, had been called for by the interests of their constituents. But it might be said, that while he appeared as the advocate of others, he required to defend himself, and that he was a guilty and interested party. He was sure, however, that there was no one in that House who would make such a statement, however much he might be called a traitor and a rebel out of doors—he was sure that in that House he would not be so accused, as he could not there defend himself. But it might be supposed that he was interested in the separation of Canada from the mother country. If, however, the House would listen to him on a matter entirely personal to himself, he would beg to ask what interest he could have in the separation of the countries? What interest could he have in supporting a rebellion in the colony? He would entreat the Members of that honourable House to ask themselves whether any part of his conduct would justify the suspicion that he was in favour of separation, or interested in promoting rebellion in Canada. He was an Englishman, and all his hopes were connected with the mother country, and all his interests were connected with England. In England he had many who were dear to him, and there were many also who were dear to him in Canada, and it was therefore his wish to support the connexion as it was his interest to promote the well-being of England. While it was possible with honour to keep up the connexion existing between Great Britain and Canada, no man would do more to maintain that connexion than he would; but the moment it became dishonourable he would be the first to ask for a separation. He would beg the House to recollect that all his interests of every description tended to make him wish for the continuance of the connexion with Canada, and he entreated the House not to think that he had any desire to promote rebellion, or that it was his interest to do so. He begged distinctly to say in the outset of his observations, that he was there as the advocate of the House of Assembly of Lower Canada. He had nothing to do with any other province, and he had nothing to do with any other subject but the grievances of which that body complained. He was not there to justify revolt—revolt must justify itself; but he was not there to defend it under any circumstances. He would make no distinctions between revolt in Canada and revolt in any other country. He made no distinctions. He looked to Poland, and saw Poland in rebellion, but he did not defend the people of that country. He was not then, and never was, one to pass acts in support of rebellious rights. He looked to Spain, and he did not support rebellion there—he never did, and he hoped he never should. He might look all round the world. He looked to Belgium, but he did not support rebellion there, and though England was bound by the most solemn treaties to maintain the connexion of that country with Holland, yet Belgium was successful, and he therefore hoped she was right. But, for his own part, he could not understand that morality which sympathised with revolt in one country and condemned it in another—he could not understand those who talked with great feeling of the condition of the Poles, but with contempt of the poor peasants of St. Charles. It might suit some parties to say the rebellion in Brussels was an heroic act, it was successful, but it failed in unfortunate Canada. It might suit some parties to say they had called into existence a new world—namely, the revolted colonies of Spain in America; it might suit some parties to speak with approbation of George Washington, and the same parties might say that they had an abhorrence of rebellious Canada; but that was a sort of vacillating morality which he could not understand. But he had nothing to do with revolt; and it would be his duty to show that the House of Assembly had nothing to do with what had taken place in Lower Canada. It was surely impossible to make people believe that a body of men amounting to eighty-six or eighty-seven and scattered over a country of from 700 to 800 miles in extent, could possibly be the authors of the rebellion which had taken place. For his own part he would say, that it was those who sought to make that assembly responsible for the rebellion in Canada who were themselves by their shuffling policy the guilty parties. Having thus placed before the House the two parties who were to be tried—namely, the House of Assembly on the one hand, and her Majesty's Government on the other—he was about to prove that the House of Assembly was not only not guilty, but, on the contrary, that that body had deserved, and had obtained the approbation of their constituents, and the admiration of this country and of the world for the stand they had made against the despotic measures of Great Britain. They (the House of Commons) were, in fact, on the present occasion a jury, and he had to lay before them a number of facts connected with the history of Canada; and as they had to judge and decide betwixt Canada and the Government upon those facts, he hoped the House would patiently listen to the statements he had to adduce. He should go through those statements for the purpose of showing that the Bill upon the table of the House was an unjust Bill—that the House of Assembly was guiltless, and that the Bill was impolitic. He should then endeavour to demonstrate that there was another method for dealing with the affairs of Canada, which, if adopted, would put an end to all the disputes and disagreements which existed; and that if the resolution on the table was carried—war, misery, and calamity would be the consequence—war in Canada, and perhaps over the world, and calamity of the worst description to the unfortunate Canadians. First, then, as to the injustice of the Bill. But before proceeding, he would ask the House, for the sake of convenience, to separate the history of Canada into four periods, the first extending from 1763 to 1810; the second from 1810 to 1828; the third from 1828 to 1834; the fourth from 1834 to the present time. In 1763 Canada was ceded to Great Britain, and up to 1774 was governed by the laws which previously prevailed in the colony. In 1774, the Government brought in a Bill, which, with certain reservations, established the French civil law in Lower Canada. That Bill also established the criminal law of England in the colony, and it further established the jury system, and to a certain extent, the English law regarding evidence. Now, any lawyer, and he saw many around him, would at once perceive the strange anomalies which such a hotchpotch must produce. In the first place, they had the civil code of France, and in the second, a criminal code founded on the English law; and it was clear rhat such a system could not work well. But why were those changes introduced into Canada? In the year 1774, it so happened, that the English colonists on the Continent of America, were in a state of open rebellion. There had been a spirit raised amongst them, which rebelled against the domination of the mother country. They said, "We cannot bear it any longer; you seek to impose laws upon us which are oppressive and tyrannical in their nature, and we can no longer submit to them." But, while we had those colonists in revolt, we had a French colony which had been conquered in 1762, and ceded to us in 1763. What then did we do? We created a French party in Canada in order to oppose them to the puritanical fanaticism of the English colonists who were in a state of revolt. In confirmation of that statement, he would refer to a speech made by Lord Lyttelton on the subject, to show that there was an intention on the part of the Government of that day, to create a French feeling in Canada—a feeling, which had since been called mischievous and abominable, but which was cherished by the Government as long as it suited their purposes. In alluding to the apprehensions which were expressed of the increased power which this would throw into the hands of the French colonists, Lord Lyttelton observed, "that he was not apprehensive of these consequences; but that if British America was determined to resist the lawful power and pre-eminence of Great Britain, he saw no reason why the loyal inhabitants of Canada should not co-operate with the rest of the empire in subduing them, and bringing them to a right sense of their duty; and he thought it happy, that from their local situation, they might be some check to those fierce fanatic spirits that, inflamed with the same zeal which animated the roundheads in England, directed that zeal to the same purposes, to the demolition of regal authority, and to the subversion of all power which they did not themselves possess; that they were composed of the same leaven, and whilst they pretended to be contending for liberty, they were setting up an absolute independent republic, and that the struggle was not for freedom, but power, which was proved from the whole tenor of their conduct." And to put down that revolt, (continued the learned Gentleman) what did we do? We established the French law in Canada, against which he had heard persons discoursing who had no knowledge of it — we cherished French feelings which certain persons represented as mischievous, for the purpose of creating prejudices in the minds of the people of England. We did all that we could to make the Canadians French at that disastrous period of English history. That was the first instance of the conduct of England towards Canada, to which he wished to call attention. What was the next? In the eighteenth year of George 3rd, we had received a bitter lesson at the hands of rebellious colonists, by the refusal of a demand which, had it been conceded at the beginning of the disputes, would have secured for England the fairest of her North American colonies; but which, refused till it was wrested from her by force of arms, stood, as a record, to her shame, and, he feared, did not redound much to her sense of justice. In that year a declaratory act was passed, by which it was provided, that no rates or taxes should be levied on the colonists of Canada without the consent of the local legislature; and in 1791 a solemn pledge was given by the Imperial Parliament that there should be no raising of taxes or appropriation of revenue in the colony without the sanction of the representatives of the people. In 1794, a communication took place between the Governor of the province and the House of Assembly respecting the revenue. That was a part of the subject which it might be somewhat difficult to make the House understand. The revenues of the colony might be divided into three parts. In the first place, there were the revenues raised by acts of the provincial Parliament; secondly, those raised by acts of the British Parliament; and thirdly, the casual and territorial revenues. In regard to the revenues arising from their own acts of Parliament there could be no question; but he was about to lay claim to the control over those revenues raised by acts of the British Parliament, and also to the control over the casual and territorial revenue. To these the House of Assembly was entitled from the arrangement entered into by the Governor, Lord Dorchester, who told the House of Assembly that if they would transmute the revenues raised under acts of the British Parliament into a civil list, to be raised by the act of the Canadian Legislature, they should obtain the control of the whole. That was in 1794; but the royal assent was not given to the Canadian Bill at that time. In 1796, however, the pledge was given that the Canadians should have the control of their revenues, but that pledge was not redeemed till the 1st and 2nd of William 4th. The Canadians performed their part of the agreement with Lord Dorchester, but it was only after long delay that the Government of England had redeemed the pledge which they had given. And then they were to be told that it was a boon on the part of the Government to fulfil the promise they had given—that the Government had acted with great liberality, and done a great deal for Canada, and that the acts of the House of Assembly since that time were acts of the deepest ingratitude. He, on the contrary, would say, that it was the Government who had broken faith with the House of Assembly — that up to the passing of the act of the 1st and 2nd of William 4th, the Assembly was in the right, and the Governments of this country in the wrong, and that Ministers were now endeavouring to take advantage of the injury which had been inflicted by England upon Canada. He hoped the House would excuse him for reading the correspondence to which he had alluded. It was painful to himself to be compelled to do so, and he feared it would be tedious to the House. The learned Gentleman then read a portion of Lord Dorchester's message to the House of Assembly, which was as follows:—" The Governor has given directions for laying before the House of Assembly an account of the provincial revenue of the Crown from the commencement of the new constitution to the 10th of January, 1794. First, the casual and territorial revenue, established prior to the conquest, which his Majesty has been most graciously pleased to order to be applied towards defraying the civil expenses of the province." He hoped there would be some attempt to show the injustice of the demand of the House of Assembly, to those revenues thus solemnly given up by the Governor, Lord Dorchester. He wanted to know wherein the injustice consisted, and why the House of Assembly was to be assailed for demanding control over the casual and territorial revenues. But, in the second place, Lord Dorchester further stated, that the duties levied on articles imported into Canada, and the revenue arising from the licences granted for the sale of spirits, would be given up as soon as the Assembly had passed laws providing for the support of the civil government. There were various duties imposed by provincial acts for the pay of officers of the provinces, and for other purposes. The message then went on to state that an account of all the monies taken out of the pockets of the Canadian people should be laid before the Assembly, with an account of the disbursements, together with the amount of the diminution of the Colonial revenues by the expenses of collection, and the House of Assembly was of opinion that every circumstance of this very important part of their business and duties ought to be constantly before their eyes, so that at the very outset of their constitution, they might guard those important branches of it from that corruption and abuse which had brought misery upon almost every nation. Now, was not this information, on the part of the then governor, who, being himself an Englishman, was accustomed to a representative Government, to persons who were not so accustomed—was not this information, he repeated, sufficient to induce the House of Assembly to direct their attention and to keep it fixed upon the appropriation of the immense collection of the revenues of the province; and did it not contain solemn pledges on the part of the Government to give up the whole of the revenues of that province to the control of he House of Assembly? This house would see why he urged this topic so strongly: it was one of vital importance to his case; it was that which the House of Assembly had claimed up to the present hour, and for the making of which they were now about to be punished by the Imperial Parliament. Now, he had heard very often quoted — he would not say where — the evidence given before the select Committee which sat upon Canadian affairs in the year 1828. He would refer to the evidence given before the committee by Mr. John Neilson, who had taken a very important part in these transactions. In his evidence, Mr. Neilson laid it down distinctly that it was considered by the House of Assembly that this claim was their creed—one of the thirty-nine articles of their political religion. They had since learned the importance of a control over their own revenues, and they had never given up one iota of the demand; their governor had told them to demand all those revenues; he had told them to keep vigilant in their own concerns; they had ever acted up to his instructions, and had never lost sight of that demand. Mr. Neilson was asked, "Are you aware that there is no instance of a colonial act repealing a British act?"—Answer, "We do not pretend any such thing." "Do you not admit that in the Quebec Act of 31 George 3rd, part of the act of the 14th George 3rd was distinctly repealed, and the remainder of it distinctly confirmed?" Mr. Neilson replied, "That is not the act referred to; chapter 88 is the Revenue Act, but the Revenue Act was not mentioned in the act of 1791. There was a new constitution given to the country, and not a word said about the act of 1774, and it raised a dispute so early as 1794, and upon that dispute the Government at home, by means of their governor, told the Legislature that they would repeal the act if they would grant similar duties to the same amount; they did so, but the Government never recommended to Parliament to repeal the act; in fact somebody or other in the colony advised against it at that time. Now, such being the state of affairs, they thus continued, until the year 1810; the Government had a certain quantity of money appropriated, and they did not go beyond that appropriation, and therefore they never called upon the House of Assembly for any more money. The act gave them a certain revenue, and that revenue they were to take. But whenever the House of Assembly inquired in what manner the money was disbursed and expended, they were told that with that they had nothing to do, as they did not pay the expenses of their own civil list

To this the House of Assembly replied—"Then we will do so." And it so happened that on the making that demand by the Assembly certain members for making that proposal were sent to prison out of the Assembly. Such was the way in which the colonies were governed—such was the manner in which irresponsible power was used in the colonies, that for the making the demand to provide their own civil list, three men were taken out of the House of Assembly and thrown into prison. And why was this? The explanation was clear and simple. The officials of that country he was about to speak of—the official party, backed by the powers of the Colonial office, were the cause of all this. That party at once said—"We do not like to be paid by the House of Assembly;" and why? America is a very economical nation; England is far from being so; the English scale of expenditure is very unlike that of the Americans. The Governor of Lower Canada receives as much as the President of the United States, who was at the head of a nation second to none on the earth. What the people of America thought sufficient for the pay of their President was thought hardly adequate to maintain the expenses of a delegated governor from England. This feeling ran through all the official ranks in Canada; they compared themselves with the English, while the Canadian people compared themselves with the Americans. They see that in America things were carried on well and cheaply, and the Canadians were desirous to cut down the scale of their expenditure to that of their neighbours the Americans, while, on the other hand, the English Government, with reference to the colonists, thought with the expenditure of millions to keep up the establishments according to the extravagant rate of their own country. The official party in Canada were, of course, desirous to continue to be paid by this country instead of by the vigilant body of the House of Assembly, who were now filled with notions of American economy, and they consequently strove to fight off the control upon the part of the House of Assembly, and from this, he would tell the British Parliament, had arisen all the fever, all the disputes, all the ill blood, and all the passion which now existed in that colony: to the resistance by the official party to the investigation of their accounts and of their responsibility to the assembly, he could trace all these events—to that resistance he could trace the desire for an elective legislative council—to it he could trace the desire to have a control over the judicature of the country—indeed, there was not a single thing of mischief or dispute which he could not trace to the resistance on behalf of the official party. He should now be again obliged to quote the evidence of Mr. Neilson with regard to the financial disputes in Canada. He quoted from page 74 of the "Minutes of Evidence taken by the Select Committee on the Civil Government of Canada." Mr. Neilson was asked—"Does the House of Assembly also lay claim to the amount of 5,000*l.* per annum in lieu of the territorial revenue of the Crown?" Answer.—"The House of Assembly has laid claim to the territorial revenue of the Crown, because it gave 5,000*l.* a-year in the year 1794 or 1795, after the governor had told the Legislature that the Crown gave up its territorial revenue to the province." "Does the House of Assembly contend, that 5,000*l.* a-year is to be appropriated by the House of Assembly?" Answer.—"They would say, that if the Crown were not to come forward and ask for more money, it is gone; but if the Government comes forward and asks for more, they may say that money is misapplied, and that it ought to be applied in such a way." Now this at the time was thought a very heinous offence, but Sir George Murray in a dispatch, which was not given in the present collection before the House—he knew not why it was omitted, perhaps it was omitted for particular reasons—but Sir George Murray, in one of his dispatches laid before the Select Committee, acknowledged that such must have been the case; that so long as the Government of Lower Canada did not ask for more money, they would have no right to inquire into the appropriation; but when it stepped over the bounds and sought more, of necessity an inquiry as to what became of the money would be called for, and, in short, Sir George Murray gave up any possibility of resistance in such a case to that very just demand of the year 1816. Then came this question put by the Committee to Mr. Neilson—"Will you state the progress of the disputes when those principles came practically into effect upon Sir John Sherbrook in 1818 calling upon the Legislature to provide for the civil establishment?" Mr. Neilson thus replied:—"I have got already to the year 1799, when the Bill was passed giving a sum in lieu of the Act of 1774. Things went on tolerably well till the year 1809: the expenses were increasing very much, and the Assembly got alarmed, and they had a quarrel with the Governor. It was then said, that Great Britain had been paying a great part of the money during all this time; whenever they applied to control the expenditure, they were told 'Great Britain pays this; what business have you to interfere?' They said, 'Well, then we would rather take the whole of the expenses upon ourselves, so as to control the whole, for by and by, it will be saddled upon us.' Then they made the famous offer to pay the Civil List, and they heard no more about it. The war then began in 1812, and they gave all that they had, and more than they had, for the war; they authorized the issuing of paper money in the country, and there was no quarrel about the civil list or anything else; but after the war Sir John Sherbrook came out; he found everything in such a state of disorder that he represented it at home, and the Government here told him to get the accounts settled every year in the House of Assembly. Then came the acceptance of the offer of 1810 to pay all the expenses of the Government; they said, 'We will take all the expenses from you;' the expenses in the mean time had augmented from about 40,000*l.* to about 60,000*l.*; the Assembly then said, we will pay the whole of the expenses;' they then agreed to give the sum the Governor asked, which was in addition to the revenue that he assumed to be appropriated, and they reserved to themselves the right of examining into all the expenditure the next year." The next question was this—"Was any Bill passed that year, or was a resolution passed by the House of Assembly promising to indemnify the Governor?" Answer, "Precisely so. An address for the money. The next year the Duke of Richmond asked for an addition of 16,000*l.* the Assembly began to get alarmed; they appointed Committees to examine into the expenditure, and to check every item of it, and they began to vote it by items, and they left out all the increased expenses, but offered to pay the expenses as they stood in 1817, and they passed a Bill and sent it up to the Legislative Council, allowing all those expenses." Now the House would remember that this was a supply bill, and attend to the remainder of Mr. Neilson's answer. "The Legislative Council threw out that Bill on the ground that it was not safe to take an annual bill." The Executive and Legislative Councils, though two bodies, were in fact one body, which controlled the expenditure and held all the patronage of the colony, and thus determining not to take an annual but insist upon a permanent civil list in one whole sum, and to escape from responsibility, they took upon themselves to throw out that Supply Bill. Perhaps it would surprise the House to be told that where the House of Assembly had once thrown out a Supply Bill the Legislative Council had done it three times over; the House of Assembly had for two years, and as he thought for good reasons, refused the supplies. He challenged contradiction, and for this it was now sought to take from the Canadians the power of legislating for themselves. Mr. Neilson was then asked the question, "Did not the Legislative Council also object on the ground of the vote being made by items?" Answer, "No, because it was an annual Bill. At the same time the Assembly made good its vote of the preceding year, because they conceived themselves bound in honour not to have any quarrel about what had been advanced upon their address, although there were some items of expenditure that they objected to, and the Bill passed." The Bill was passed in spite of the example set by the Legislative Council. "Then the Duke of Richmond unfortunately died, and in 1820 there was an irregularity in calling the Assembly, and there was no vote and no estimate laid before the Assembly. Sir Peregrine Maitland convened the Assembly before the returns were all made, and the Assembly objected that the Governor ought not to convene the Assembly till the House was complete, because they said, that he might convene it before the time fixed for the returns; he might convene it before half of them were returned. Things remained in that state till the news came of the death of the King, and then there was a dissolution. At the close of 1820 Lord Dalhousie came, and he asked that whatever they had to give should be given permanently. They told him at once that they would not give anything in addition to what they had already given permanently. Of course nothing was done; they passed, however, a Bill in some shape or other, which it was said would be less objectionable; it went up to the Legislative Council, and it was refused; it was refused by the Legislative Council upon the ground of its being detailed, and not being for the life of the King. The next year Lord Dalhousie asked for a Bill for the life of the King; the Assembly sent home a very long address to this country as reasons for not complying, and the Legislature finally broke up without any Bill being passed. Lord Dalhousie then asked for a sum of money, which they said they could not grant till they had an answer from this country to their representations. The session finished without any Bill being passed, and then came the famous union project." Here again the official party played the puppets of the machinery and the controlling power which was to deprive Canada of her constitution. They were known in that country—the world knew perfectly well who they were. Mr. Neilson then went on to state—" In 1824 the receiver-general failed, and the appropritions already made by the Legislature, were not paid; the Members got alarmed and some of them, against which I protested, voted a reduction of one-fourth of the expenditure to meet the empty state of the chest. That, of course, was not accepted—it was rejected in the Legislative Council. In 1824 Lord Dalhousie came home, and Sir Francis Burton took the government." Now, there was one very remarkable circumstance relative to the failure of the receiver-general, which was illustrative of the way in which the colonies were governed, and of the necessity for very great supervision on the part of the Legislative Assembly. The fight then going on in this case was a fight against responsibility on the part of the officials, and on the part of the House of Assembly enforcing that responsibility. The House of Assembly said that this man owed money, and they demanded the account — the accounts were refused. The receiver-general failed for 100,000*l*., and yet he was told that this was an old story. Let the House remember that the receiver-general at the present moment owed 150,000*l*. for principal and interest. True, it was said that the Canadians had got his estates, but they, if sold, would not cover one-tenth of the whole sum of 150,000*l*. principal and interest, which had been robbed from the Canadian exchequer,—and by whom? Why by one of the party who talked about the honour and the prerogative of the Crown, and who would not give way in the least degree to the demands of the House of Assembly. The House of Assembly had tried him and found him a bankrupt, and then when they applied to this country, whose officer the defaulter was, to make good the loss, this country refused to do so. Now that was the history of the year 1824, when Lord Dalhousie, without the orders or the sanction of the Assembly, took the money, and the Legislative Council threw out every Bill of possible utility to the colony, and in 1827 and 1828 agents were sent over to this country to complain of the manifold grievances under which Canada laboured. Now what were those grievances? He begged the House to bear them in mind. They complained of the conduct of the Legislative Council in throwing out the fresh Bill, granting the necessary sums, and regulating the limits of expenditure they complained of the rejection of the Bill giving the inhabitants of towns a voice in the management of their local concerns; and of the Bill for facilitating the administration of justice; they claimed an amendment in the jury laws, introducing jury trials in the country districts, thereby diminishing the expenses, and they sought a Bill improving and rendering more commodious the gaol for the district of Montreal, for regulating the office of justice of the peace, for regulating the militia service, for increasing the security of public monies, and for a provision for an authorized agent to reside in this country. These were the complaints brought against the Legislative Council in 1828, and a Committee was appointed by this House to inquire into the complaints of the people of Canada. That Committee acknowledged the justice of these complaints, and solemnly asserted that the Legislative Council did not harmonise with the opinions of the Canadian people, that there should be some alteration in the constitution of the Council which should make it harmonise. The Committee did not point out the means, but declared that as then existing, the Council did not contribute to the good government of the province. He had now got to the year 1828, at which point every one of the demands of the House of Assembly respecting the control of their own revenues was declared to be just, to be wise, and to be provident. In that year the Legislative Council was condemned—that year it was when the administration of justice in that colony was declared not to be such, owing to the peculiar political opinions of the judges, as it ought to be; and now he came to the fact on which the House of Assembly had been arraigned—viz., for having, after all their claims of 1828 had been granted, and their grievances redressed, that still out of mere mischief, and with a factious spirit, they had been led on by a set of demagogues to bring forward new demands—new claims upon this country, and to fabricate new grievances. Now his assertion was, that the old grievances remained—that they had not been redressed in point of fact, and that if they had made any new demands, it was because they had discovered that the mode formerly suggested for remedying the evils had proved insufficient in the hands of her Majesty's Government. In the year 1830 it so happened that a Liberal Government as it was called, came into office; that Government was composed of persons who had been accustomed to fulminate against the oppressors of Lower Canada—that Government was composed of burning patriots, whose passion for liberty knew no bounds—in fact, of individuals who were supposed to be the friends of Canada. There were then supposed to be in power men who had laid down broad principles of liberty, who had passed their lives in uttering pretended declarations of liberal opinions; and in consequence of the advent of these strong and sworn supporters of the liberal cause, the feelings of the Canadian people were naturally excited, their expectations raised, and they said, "Now that we have got our Liberal friends in office, the men who had fulminated against the Legislative Council, the mischiefs would be cured and the plague stayed." They expected such things, but like many others they had been disappointed in their expectations. When they came into office this Government had to consider the alteration propounded by the Committee of 1828; and what were the chief of those alterations? He would quote a very short passage from the report:—

> "One of the most important subjects to which their inquiries have been directed has been the state of the Legislative Councils in both the Canadas, and the manner in which these assemblies have answered the purposes for which they were instituted. Your Committee strongly recommend that a more independent character should be given to these bodies; that the majority of their members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the constitution with the interest of the colonies would be attended with the greatest advantage. With respect to the judges, with the exception only of the chief justice, whose presence on particular occasions might be necessary, your Committee entertain no doubt that they had better not be involved in the political business of the House. Upon similar grounds it appears to your Committee that it is not desirable that judges should hold seats in the Executive Council."

Then the Committee went on to say, that they lamented the late period of the Session had prevented a full investigation into all the parts of the subject; but that if the Legislative Assembly and the Executive Government were both put on a right footing, means could be found to remedy all minor grievances. What was the consequence of the alteration made in the numbers of the Legislative Council? Why, the feeling of the majority of the Council remained the same as before. The people said, "It is true that you have put into that body a larger number of individuals, but it does not therefore follow that you have altered the character of the Assembly, or made it more in accordance with our interests. The majority against the people is the same. You may have chosen some two or three individuals who are justified in assuming the character of independent Members; but it is also true, that the bulk of those whom you have selected is composed of persons who ought not to be in the Council at all. We know them to be our enemies. They have declared against us. We know that the determination of the Assembly with regard to our interests is the same that it has been heretofore. And this we call keeping the word of promise to the ear only. It is the word, but not the spirit—the letter, but by no means the substantial reality. For it is illusive to suppose, that the mode in which the instruction has been carried into effect has altered the essential character of the Assembly." Was he justified in thus describing the alteration? He could hardly suppose, that her Majesty's Ministers would oppose the authority of the Commissioners whom they had sent out — of Commissioners sent out under the auspices of Government to inquire into the reality of the grievances of which the Canadians complained. What did these Commissioners say of the Legislative Council? He would read a passage of their Report to the House. It was as follows:—

"On the 28th of January, 1831, an Address from the Assembly to the Governor, signed by Mr. Papineau the Speaker of the House, contained an assurance to the following purport:—'It will be our earnest desire, that harmony may prevail between the several branches of the Legislature, that full effect may be given to the constitution as established by law, and that it may be transmitted unimpaired to our posterity.' And towards the close of the same year a Bill passed the House of Assembly constituting the Legislative Council a court for the trial of impeachments, without any demand being put forward that it should be made elective. The conciliatory dispatch of Lord Ripon, dated 7th July, 1831, was, moreover, received in the province in a manner that might have seemed to encourage the hope that a more harmonious state of public feeling was on the point of being restored. But notwithstanding these appearances the hostility which had long existed between the two legislative bodies was not really abated, for on the 8th of March, in that very year, 1831, two resolutions were carried in the Assembly, (though they were afterwards struck out of a petition to the King, into which they had been designed to be inserted, declaring, that 'the appointment by the Executive of Legislators for life was fatal to the tranquillity and prosperity of the province, and incompatible with good government.' On the 29th of March also, the Council, on their part, placed on their journals a series of resolutions aimed at the most important privileges of the Assembly, and particularly at the one that, after a contest of many years' duration, they had just succeeded in establishing—we mean the exclusive right to control the financial concerns of the province. And it is not unworthy of remark, that in the very first of these resolutions they lay down as a positive law a practice which (however salutary) rests, we believe, in England only on a resolution of the House of Commons, adopted, like any other of their standing orders, at their own discretion, and revocable at their own pleasure. By a subsequent resolution, the Council likewise assumed to itself the dangerous right of judging what the contingent expenses of the representatives of the people ought to amount to. With these signs, therefore, of a continued hostility before us, we are disposed to ascribe the fact of no formal demand for an Elective Council having been made before 1833 simply to the expectation entertained by the popular party, that in consequence of the recommendations of the Committee of 1828, very essential alterations in the composition of the Council were on the point of being effected. An alteration was, indeed, produced in 1832. The judges ceased to take any part in its proceedings, and thirteen new Members, unconnected with the Government, were added in the course of the year; but that these nominations were unsatisfactory to the Assembly, and that the disappointment they felt in the alterations of the Council was the cause of their fresh proceedings against it, may be inferred from the fact, that in the next Session of the Legislature was voted the first Address in which a demand for an Elective Council was put forth. The nature of the expectations that had been raised in the minds of the prevailing party in the Assembly, respecting the nomination of these Members, may probably be correctly gathered from the ninety-two resolutions of 1834, and particularly from the 24th of them, in which it is asserted, that 'such of the recently appointed Councillors as were taken from the majority of the Assembly, and had entertained the hope, that a sufficient number of independent men, holding opinions in unison with those of the majority of the people and of their representatives, would be associated with them, must now feel that they are overwhelmed by a majority hostile to the country.' We certainly do not think, that either the recommendation of the Committee of 1828, or anything that subsequently issued from a competent source, warranted an expectation that the Legislative Council was to be made entirely to harmonise with the feelings of the Assembly; nevertheless, that something of the kind was expected by the popular party does seem beyond dispute. We do not feel called on to pronounce an opinion on the propriety of the appointments in question; and the more so as they were narrowly scanned in the cross examination of Mr. Morin before the Committee of 1834; but we may, we think, venture to say, that whilst they satisfied the terms of the recommendation made by the Committee of 1828, as far as the matter of the pecuniary independence of the Crown was concerned, they scarcely produced an alteration in the political character of the body, to which the new Members were aggregated."

He inferred from this language held by the Government Commissioners that the House of Assembly was perfectly justified in asserting that the political character of the Legislative Council was the same in 1833 that it had been in 1828, and that their demand for an Elective Council was just what they had a right to expect. So long as they entertained hopes, they said—

"We won't propose the introduction of anything new into our constitution. We won't propose any unnecessary change in the existing state of things. We are not the advocates of any wild theoretical forms of Government;

nor are we at all desirous to strike at the root of our institutions. No; we will apply to the Home Government. We will show them that we are moderate in our demands. We will ask them whether they think, that this Assembly, (the Legislative Council) ought to be composed of individuals entertaining feelings of well-ascertained hostility to the great body of the people, and with a corresponding array of the feelings of the people against them?"

The application was accordingly made, but it was not acceded to. "And now," said the Canadians, "we are placed in a new position; we pressed upon the notice of the British Government those alterations which we thought were best suited to their views, but they have rejected our demands. Since, therefore, the Government will not consent to the introduction of these changes, let the people themselves say whether they cannot do it." A convention of the people was then proposed, and an elective Legislative Council demanded. What was the consequence? It might possibly be imagined, that men on the other side of the Atlantic were without feeling—that they might be insulted with impunity, and called all manner of injurious names with perfect safety. And the then Secretary of State for the Colonial Department (Mr. Stanley), in writing to the Colonial Government, termed this a "national convention," thereby pretty broadly intimating that it was copied after the National Convention of France. It was easy to conceive what conclusion was suggested by that statement of the then right hon. Gentleman. Let hon. Members mark the extraordinary want of acquaintance with the actual state of one of our most important colonial possessions which that right hon. Gentleman thus displayed when he thought of comparing this convention or assemblage of the people of Lower Canada with the National Convention of France. Why, conventions of this description were matters of every day occurrence in America. It was a matter of course that, when it was proposed to introduce, or to discuss the introduction of, any change into the constitution of a state, such a convention should be held. And, at the very moment that he (Mr. Roebuck) was addressing the House, a convention was being held in Philadelphia, with a view to remodel the constitution of that important independent state. But at that convention the people were all quiet, peaceful, and deliberative, and never once thought of making the National Assembly of France their model. Instead of Robespierre, Danton, or Marat entering into their minds, as individuals to whose sentiments they should in any way conform, the spirits under whose auspices the proceedings of the Philadelphia convention were guided were those of Franklin, and Jefferson, and Washington. But it happened, in some way or other, that people were so occupied here with matters occurring in their own immediate neighbourhood, that they could not enter into the feelings, nor conceive what was the state of mind of other nations, but exclaimed, "Good God! would you have a renewal of all the horrors of the Revolution of 1793? Why, this Monsieur Papineau is nothing more nor less than the successor of Robespierre!" He (Mr. Roebuck) had heard this gravely stated in this country. He had heard Papineau likened to Robespierre, and he had heard the French Canadians called the French republicans. He had known that demand for a national convention to be asserted on the highest authority to be nothing more nor less than an attempt to set up a French republic in Lower Canada—an attempt, in short, to set up an absolute democracy. When the inhabitants of Lower Canada were informed that this statement had been made with reference to the proposed convention, they were naturally indignant, and several Members of the Assembly expressed their surprise that a Minister acquainted with the state of that country should use such language. He thought they were wrong. Nay, he was sure, quite sure, that the House of Assembly was, for once, very greatly in error. But it was a pardonable mistake to imagine, that a Colonial Secretary might possibly know something of the feelings of a country for which he was Minister, and concerning which he was about to introduce legislation. He must acknowledge, however, that the Canadians were positively wrong. It was quite clear that the right hon. Gentleman knew nothing of the matter in hand. Nevertheless, the remonstrances of the Canadians did not receive the slightest attention. Perceiving, at length, the right hon. Gentleman's total ignorance of the subject, they said, "This announcement of yours is an insult to us;" and at the moment there was another circumstance which kindled and increased their indignation. They said, "Having added to our Legislative Council, which you in your wisdom deem all that can be necessary to remove our grievances, you taunt us, when we ask you for a national convention, with this statement from your Colonial Secretary, and, at the same time, in order to enforce your authority, you deliberately butcher our people." And they were justified in the employment of such language, for at that moment a circumstance took place at Montreal which would never be obliterated from the memory of the Canadians. For some trifling cause, the military in that district were called out, and a number of the poor peasantry of the country were shot. This sunk deeply into the minds of the Canadians. They said, and said naturally, "The Government can hardly be considered as parental which sanctions such doings in a country so peaceable as ours is, where there has been no disturbance, no riot, that would not at once yield to the authority of the constable's staff; yet we find a Government calling itself parental murdering our people, and thrusting their dominion down our throats." The people of Canada had never forgotten that cold-blooded cruelty, nor would they ever forget it, and recent events had served only to render deeper that already indelible impression. "And," exclaimed the learned Gentleman, "if you care not what you are about, there will something come that will read you a lesson which you in your turn will never forget, and which will again humiliate England after the fashion in which your forefathers were humiliated." It was in the year 1834, that the House of Assembly first evinced a real and serious determination to stop the supplies. There were no supplies voted in that year; but the House of Assembly passed resolutions, as they had done before, stating their grievances and demanding their removal. The Committee came to an untimely end—and why? Changes took place very often in the Cabinet of England, and every change, it seemed, must make a change in the Colonial Department. Mr. Stanley went out of the Colonial-office, and Mr. Spring Rice came in. Soon after Mr. Spring Rice became the Secretary for the Colonies, an interview took place between that right hon. Gentleman and the person who was then acting as the agent for Lower Canada, at which he was present. Mr. Spring Rice stated, that he was young in office; that he was a new and untried man; that he wished to place the commencement of his official career in a favourable light before the world; that he wished to do justice to the Canadians; and that all that he desired was, that his hands might be left unshackled, and his own good intentions be allowed to have the fullest scope. Upon this statement the agent for the House of Assembly—he must say at his persuasion, and he now begged pardon of the colony for having given such advice—but at his persuasion, the agent lent a favourable ear to the right hon. Gentleman's statement, and left him with the conviction that what he had promised would be carried into effect. In that interview Mr. Spring Rice solemnly promised, in his (Mr. Roebuck's) presence, and in the presence also of the agent of the House of Assembly, that he would not interfere with the prerogative of the House of Assembly, and at the same time admited that that body had been most unconstitutionally dealt with by Lord Dalhousie, and also in another instance when money was taken out of their chest. "Never," said the right hon. Gentleman. "will I bring an act into the British Parliament which shall justify me in taking the money out of the colonial chest; the prerogatives of the House of Assembly shall be left untouched, and I will trust entirely to the good feeling of that body to extricate me from any temporary difficulty in which I may find myself involved in consequence of the liberality of my conduct." Such was the language held by Mr. Spring Rice whilst he was "a young and untried man;" yet he had hardly got hold of his office before a dispatch was sent out ordering the governor of the colony to pay the very official servants whom the House of Assembly had determined not to pay; and the right hon. Gentleman supposed that he got himself out of the difficulty by this sort of special pleading: "I have not done," said he "what Lord Dalhousie did--I have not taken the money out of their chest. I did not go the unconstitutional length of asking the House of Commons to take the money out of their chest; but I ordered the governor to pay the money, and to draw upon the Treasury for the amount." If he recollected right, it was thought necessary, during the last Session of Parliament, to pass a resolution in the House of Commons to enable the Colonial Minister to do the same thing. But Mr. Spring Rice was alive to no such necessity: he took the whole order of the matter upon his own responsibility. And this certainly was a case in which the people of Canada did not expect that a Colonial Secretary who had so gravely and so solemnly pledged himself not to infringe the prerogatives of the provincial legislature would take upon himself to issue such an order as that which proceeded from Mr. Spring Rice, upon no other than his own responsibility. Succeeding events had justified the opinion of the Canadians that such a course was not consistent with the principles of the constitution, because last year, when a similar step was about to be taken, it was deemed necessary that a resolution of the House of Commons should be first obtained. No wonder then that the House of Assembly was incensed. It was made a matter of complaint against that body that it refused to vote the supplies in 1835 as well as in 1834. In 1834 they refused to vote supplies in consequence of their determination to demand a remedy for their grievances. In 1835 they resolved not to vote an amount of money because the head of the colonial department in England had so unwarrantably strained his power as to direct the payment of those servants of the colony whom they had determined should not be paid. That determination on the part of the House of Assembly was well known to the colonial authorities in England, was well known to Mr. Spring Rice, at the time the head and chief of those authorities; but in spite of that knowledge Mr. Spring Rice directed the money to be paid. Then, said the House of Assembly, "we will not pay this money back; you knew our feeling and our determination upon the matter; you have ordered the money to be paid in spite of us; we will not reimburse you." Accordingly in the year 1835 the House of Assembly again refused the supplies. Be it marked and remembered, however, that these two years, 1834 and 1835, were the only two years in which the supplies were really refused by the House of Assembly. Unfortunately for the good intentions of Mr. Spring Rice, just upon the very instant that all his schemes were rife—just as the extended plan, the great and statesmanlike affair which was to startle all beholders was about to be transmitted from the Colonial-office, it so happened, as the right hon. Gentleman was passing down Pall-mall, somebody met him and told him that he was out of office. This was unfortunate; but it proved to be the fact, and the right hon. Gentleman had since ceased to be the Colonial Secretary. But there was one remarkable circumstance which took place before the right hon. Gentleman went out of office, to which he wished to direct the attention of the House. It had been brought as a charge against the House of Assembly that they were so little careful of the independence of the judicature, that because a certain judge held opinions contrary to their own, they withheld his salary, and would not place it upon the civil list. Hence it was concluded that the House of Assembly desired to exercise an undue and improper control over the judicature of the country. Now it so happened that just before Mr. Spring Rice went out of office information was received at the Colonial office of the appointment of Mr. Justice Gale; and when the right hon. Gentleman was called upon to confirm that appointment he wrote to the governor of the colony in these terms:—The learned Gentleman read the letter to this effect: "That it was at all times of the highest importance, and more especially at a moment like that which then existed, that no person partaking of the character of a political partisan should be placed upon the bench in Lower Canada." He hoped, therefore, that the Canadian bar would be found capable of furnishing some gentleman of more calm and temperate views than the individual recommended. When he adverted to the line of conduct taken by Mr. Gale in 1828, and to his connection with certain measures of that time, he (Mr. S. Rice) very much feared that he would be looked upon with distrust by a very considerable portion of the community in Canada. Under these circumstances (he added) he was not disposed to recommend the confirmation of Mr. Gale's appointment. Now, government news did not travel very fast, as he had had reason to know; and it so happened that the news which carried out the right hon. Gentleman's dismissal from office travelled more rapidly than the right hon. Gentleman's refusal to confirm the appointment of Mr. Justice Gale. Lord Aylmer, therefore, finding that the right hon. Gentleman had been dismissed, and having received no communication from him relative to Mr. Justice Gale, took it upon himself to confirm that Gentleman in his seat upon the bench, at the same time writing to Lord Aberdeen, the new secretary for the colonies, stating the reasons why he did so. Lord Aberdeen thought the explanation sufficient, and allowed Mr. Justice Gale to remain upon the bench. But the House of Assembly was of opinion that a man whose conduct had been such as to give rise to such grave and serious objections on the part of the previous secretary for the colonies could never be expected to gain the confidence of a great portion of the community over which he was to act as judge. "Therefore," said the House of Assembly, "we, being the representatives of the community, and knowing that justice depends for half or more than half its influence upon the opinion of the people for whom it is administered—knowing, too, what the opinions of the people are with respect to Mr. Justice Gale, and seeing that his conduct has been so solemnly impugned by the head of the colonial department in England, we, in our representative capacity, and acting in accordance with the views of Mr. Spring Rice, will not allow his salary." This was the true history of the matter with respect to Mr. Justice Gale; and when charges were brought against the House of Assembly he wished to know why the whole truth was not told. He remembered a great impression being once made upon the House of Commons by the statement of a colonial secretary that the House of Assembly (against which the secretary wanted at that time to make out a case) had refused to reimburse Lord Aylmer for the expense he had been put to in his efforts to protect the colony from the visitation of the cholera. It was said that Lord Aylmer had expended 7,000*l.* for that purpose, and that the House of Assembly had refused to repay him, upon the ground that he had exceeded his authority in making the disbursement. A statement of that kind was made by a gentleman filling the situation of colonial secretary; but it was afterwards proved that that gentleman must have been guilty of some culpable negligence in reading or arranging his information, as every one of his assertions turned out to be untrue. In the first place, the sum expended was 700*l.*, not 7,000*l.*; and in the second place, Lord Aylmer, when he applied to the House of Assembly, was repaid at once. Yet months went over, during which the impression obtained against the House of Assembly that they were so base, so bad, so dishonest, so utterly heartless, as to refuse the repayment of a sum which had been expended for a purpose so humane and necessary as that of endeavouring to prevent the access of a terrible pestilence. The person who made that statement was Mr. Stanley. This was the way, indeed, in which successive Governments talked of the House of Assembly, and it unfortunately happened that the House of Assembly was not here to answer for itself, nor could its defence be attempted, except by chance, and by the voice of one man against the voices of a hundred. He remembered in earlier days reading the history of one of the matchless characters of antiquity, who said, that his character had been assailed for a life, and could not be defended in an hour—that his assailants had occupied many years in poisoning the public mind against his character, and that when he was brought to the bar of trial for life or death, he felt himself in such a position that he could not wipe off the stain which those artful assailants had been careful to implant upon the public mind: he felt, therefore, that he stood before a jury almost condemned before he was heard. That matchless character, with whom he became acquainted in the course of his scholastic reading, was Socrates. Like the life-long assailants of Socrates, men were in the habit of getting up in that House, and with a total disregard of truth, or a total ignorance of facts, and making assertions with respect to the House of Assembly which they knew could not be answered, except after the lapse of a considerable time, during which the poison of their statements would be allowed to eat its way in the public mind. Statements of this kind had frequently been made by persons holding high and responsible situations in the Government, but who seemed utterly careless of whether their statements were true or false as long as they produced the impression desired. He (Mr. Roebuck) maintained that this partial dealing with the truth, this garbling with evidence, was more suitable to Old Bailey practitioners than to those who advised her Majesty and directed the councils of the State. He would now return to the stream of his narrative. Upon the dismissal of Mr. Spring Rice, Lord Aberdeen was appointed to the colonial secretaryship, and with the administration of which that noble Lord was a member, was originated the bright idea of a commissioner, and a commissioner was in consequence appointed. But it so happened that the Government of which Lord Aberdeen was a member did not stand—it was not permanent. The succeeding administration, however, was exceedingly delighted with the idea of the commission. But, not wishing to take anything which assumed the appearance of an improvement from their opponents, they determined to do something that should be their own, and with characteristic intelligence and zeal they at once destroyed everything that was good in the commission; for, instead of confining the responsibility of the commission to one man, they determined to extend it to three. And how did they extend it? What character did they give to their commission? They compounded it of three different sets of politicians. Of these three commissioners the first was a high Tory, the second (the term seemed contradictory, but there was no other to supply its place) a Tory-Whig, and the third a Radical-Whig. These three men went out to Canada, bound together by one secretary. What did they go to do? To inquire. True; they went to inquire, but about what? The grievances of the people. But the grievances of the people were best reflected by the body which had been elected as the representative of the whole of them. The House of Assembly, therefore, very properly said, "We are the people; we are returned as the Representatives of the people in a manner that you cannot impugn—you do not pretend to say that we do not represent the opinions and feelings of the great majority of the people—why, therefore, send out a commission to supersede us who assemble here under the sanction of an Act of the British Legislature, whilst the commission comes out only under an order of the Crown?" However, the commission went out; and if he (Mr. Roebuck) wanted anything that should justify in every particular the proceedings of the House of Assembly in Lower Canada, he would point to the report of the Commissioners to furnish him with that justification. Every part of it afforded a complete justification for every act of that branch of the Colonial Legislature. First and foremost, there was a sort of see-saw as regarded the constitution, but all the facts adduced in the report went to the complete justification of the House of Assembly. There was a good deal of parade about the report—a good deal of sound and fury; first, there was the full broadside of the commission, then the single gun of Sir Charles Grey, and then the replication of Sir George Gipps; and what between the broadside, the single gun, and the replication, there was a vast deal of confusion in the report; but those who were enabled to see their way clearly through it, could not fail of arriving at the conclusion, that in every particular the House of Assembly had been right. He would read a passage from the report, which, if it had any meaning at all, would go directly to the proof of that assertion. He quoted now from the general report—the general broadside of the Commissioners. The passage ran thus:—"For a number of years the Council, keeping, as it did, in close union with the executive, prevailed; but in process of time the inherent force of a popular assembly developed itself; and in the great contest that ensued about money matters, the Assembly came out completely successful." That was to say that in a dispute which had lasted from the year 1810 to the year 1828, the Assembly at length prevailed. It was to be assumed, then, that the Assembly was right. "During the financial struggle, continued as it was for more than a quarter of a century, it was only natural that other collateral causes of difference should arise; and, if we were to examine into these, we believe we should also find that in every one of them the Assembly has carried its point." That was to say, that for upwards of a quarter of a century the House of Assembly had not demanded a single thing which was not ultimately granted to them; the inference of course was, that they had demanded only that which was right. The commissioners continued: "As a few instances, we will mention the right of the House to accuse and bring to trial public officers; their right to appoint an agent in England"—he (Mr. Roebuck) hoped that that would satisfy the House at least upon the point of agency—"and their right to control their own contingent expenses; their demand for the withdrawal of the judges from political affairs, or from seats in the legislative bodies or the executive councils, and for the surrender of the proceeds of the Jesuits' estates. All these are points on which contests have taken place between the two Houses, and in every one of them the popular branch has prevailed, and the Council been successively driven from every position it had attempted to maintain. The Assembly, at the same time, by attacking abuses in the administration, and bringing charges against numerous officers of the Executive, succeeded scarcely less in exposing the weakness of the Government than of the Council." It was very strange that the word "weakness" should be introduced into that part of the report. How was it that the House of Assembly became successful? Not because the Government was weak—the Government was strong enough if it pleased to put down the House of Assembly—the reason why the Assembly succeeded was, because the Government was wrong. The report proceeded :—

> "Both the Council and the Government have been worsted in many a struggle that they never ought to have engaged in; and if the Assembly has in consequence grown presumptuous, we apprehend that such is only the ordinary effect of an unchecked course of success."

The next was, he thought, one of the most extraordinary statements ever put forward upon a subject of this kind :—

> "In the course of these protracted disputes, too, it has happened that the Assembly, composed almost entirely of French Canadians, have constantly figured as the assertors of popular rights, and as the advocates of liberal institutions, whilst the Council, in which the English interest prevails, have, on the other hand, been made to appear as the supporters of arbitrary power, and of antiquated political doctrines; and to this alone we are persuaded the fact is to be attributed that the majority of settlers from the United States have hitherto sided with the French rather than the English party. The Representatives of the counties of Stanstead and Missisquoi have not been sent to Parliament to defend the feudal system, to protect the French language, or to oppose a system of registration. They have been sent to lend their aid to the assertors of popular rights, and to oppose a Government by which, in their opinion, settlers from the United States have been neglected or regarded with disfavour."

Now, he begged the House to observe in the next sentence the manner in which the Legislative Council sought to extend British feelings, and to protect British interests in the province. If he understood anything about English feelings or English interests in the colony, it would mean this: that English feelings were in favour of a free representative Government, and opposed to every thing which had the appearance of arbitrary power—that English feelings were in favour of Municipal Institutions which subsisted in England, and opposed to the system of centralization which obtained in France. The Commissioners went on to say :—

> "Even during our residence in the province we have seen the Council continue to act in the same spirit, and discard what we believe would have proved a most salutary measure, in a manner which can hardly be taken otherwise than to indicate at least a coldness towards the establishment of customs calculated to exercise the judgment, and promote the general improvement of the people. We allude to a Bill for enabling parishes and townships to elect local officers and assess themselves for local purposes, which measure, though not absolutely rejected, was suffered to fail in a way that showed no friendliness to the principle."

Now, what was that principle? The principle of representative Government. They were very often told, that the Legislative Assembly was the great assertor and vindicator of the English interest in Canada. He asserted the precise contrary; and he had quoted evidence from the report of the Commissioners themselves to show that in the only instances in which it had ever done anything, it had done all it could, to support, protect, and maintain, the principles of arbitrary power. He had proved, that the Legislative Council was French so far forth as it was favourable to its own arbitrary power, and English so far forth as it could create a prejudice against the House of Assembly. He must observe how remarkable it was, that British merchants, on going out to Canada, should all at once be so very much struck at the absence of a registration-office in that country, when, as was very well known, there was no general registration-office in England. It was a curious fact that in this country, with the exception of the counties of Middlesex and York, there was no office for the registration of deeds, mortgages, &c. How was it, then, that merchants on going to Canada all at once discovered that an establishment of that kind was essential to the protection of their interests? Some ingenious person might, perhaps, discover the cause; but he (Mr. Roebuck) confessed that it came not within the scope of his powers of penetration. In the midst of all the contention upon the subject, it had invariably happened that the House of Assembly had wished to promote all the real and substantial advantages of an office of registration; but they said, "We will not pass such a Bill as shall throw the poor persons of the country into the hands of a notary." Perhaps the House would excuse him if he entered into a short explanation upon the point. It so happened that under the old English law, mortgages might be effected upon land over and over again, and for more than twice its value, without the possibility of inflicting any kind of punishment upon the person by whom the money was obtained. But by the French law, if a mortgage for more than the value of the land were effected, it would be classed with the offences coming under the generic term *dolus*, and which meant nothing more nor less than that an offence of this kind amounted to felony. The House of Assembly found that in consequence of the wholesale introduction of the English law in the manner of which he (Mr. Roebuck) had already complained, no punishment was attached to an offence which they had always previously been taught to regard as a crime. They found that, according to the English law, which was new to them, a person who mortgaged his land for more than its value, could not be punished. "Therefore," said the House of Assembly, "we will endeavour to get at this class of offenders by establishing a law which shall be in accordance with our old law of 'Stelionat.'" A Bill having that object in view, accordingly passed through the House of Assembly, but the Legislative Council threw it out. And yet the Legislative Council called itself the defender and assertor of English interests in the colony, and constantly complained of the absence of an office of registration. In the Bill passed by the House of Assembly, the means were afforded of establishing a registration-office, or an institution that, in all respects, should be tantamount to such an office; but the Legislative Council refused to take it. Why? Because, in reality and in truth, they did not desire to see a system of registration established—they did not desire to make fraudulent mortgages a crime, but they did desire to have the means of creating a prejudice against the House of Assembly. If there were one thing which more than another distinguished the institutions of England, it was the manner in which all local affairs were left to the management and control of local authorities. In this respect the institutions of England afforded a strong contrast to those of France, where the pernicious system of centralization placed the management of all the affairs of the country in the capital. He would explain this point in a few words, by quoting the language of Mr. John Nielson, to whose testimony he liked to refer. Mr. Nielson, in his examination before the Committee of 1828, was asked, "Are persons who settle in the townships, holding land upon the English tenure of free and common soccage, exposed to any other difficulties than those which arise in the administration of the courts of law?"—Mr. Nielson replied, "I do not think that those people complain of anything except that they are far out of the way; because, unfortunately, the grants were made to them in a remote part in preference to the grants being made nearer the St. Lawrence. But, their great object has been to obtain a representative in the assembly of the province; and they have met in their usual way upon Stanstead Plain, and have declared that they were satisfied with the Bill that was passed by the Assembly, and they have petitioned the Assembly and the Council to pass that Bill. They say that in the event of the Bill passing, they think they can get a remedy for all their grievances; that the first thing they want is to get a representation in the assembly of the province, and the assembly of the province is willing to join them in redressing their grievances; but any person that by chance happens to have connection with the townships, goes and speaks as if he was deputed by the townships. We have had twenty different stories told us in that way; but the moment they have representatives of their own to speak for them, everybody will believe them, and there is no doubt they will get a remedy for everything they complain of. There is one thing that is desired to give them, which they have in the United States, and that is the power of regulating their own little local concerns, which, I conceive, contributes very much to the prosperity of the United States; every district of the country regulates matters of common convenience, such as roads and bridges—what can be done by an individual is done by a common effort of the whole community, as determined by the majority; whereas, in the townships, they can get nothing done without delays and expenses." Mr. Neilson was then asked, to "describe the difference between the state of things in that respect in Canada and in the United States?" He answered in these terms:—"In Canada we have been plagued with an old French system of government: that is to say, a government in which the people have no concern whatsoever, every thing must proceed from the city of Quebec and the city of Montreal, and persons must come to the city of Quebec and the city of Montreal to do every thing, instead of being able to do for themselves in their own localities. In the United States they have the English system, by which every locality has certain powers of regulating its own concerns, by which means they regulate them cheaper and better; whereas with us, a man must make a journey to Quebec; he must go to a great expense; he must bow to this man and bow to that man, and rap at this door and rap at that door, and spend days and weeks to effect a little improvement of a road, or something of that kind, of common convenience to a district; whereas all that is done in the United States, without going out of his own small district." Now that was precisely what the House of Assembly wanted to do. They passed a bill—passed it more than once, by which the people in the townships, against whom they were supposed to entertain so strong an animosity, were to have the control over their own concerns. The Legislative Council, however, invariably threw out the Bill, because they said it was tainted with the principle of representation. Could anything afford a stronger proof that the real support of English interests was in the House of Assembly, and that the Legislative Council was the advocate only of those narrow and arbitrary views which were diametrically opposed to every English feeling? He now came to the demand of the House of Assembly for an elective council. He had shown that this demand was warranted, first by the report of the Commissioners, and next by the conduct of the Legislative Council, which conduct had been so bad as to give rise to the admission, even amongst those by whom it was supported, that it required reform. He had shown that the Council was now in precisely the same state as it was when that admission was made. He had shown that the people themselves were dissatisfied with it; and finally he had shown that the House of Assembly had asked in a quiet, decorous, and respectful manner that the people of the country might be allowed to meet in a national convention to determine whether or not the elective council were fit for them. The answer of the House of Commons to that demand last year was a peremptory refusal; but, at the same time, the House of Commons gravely and solemnly stated by its resolutions, that the Legislative Council required reform. Upon that occasion, the House of Commons again solemnly maintained the demand of the House of Assembly for a reform of the Legislative Council; for, in the resolutions which were passed at the same time that an elective council was refused, the House said "No—we will not grant you the elective council, but we see that you must have a reform in your Legislative Council; at the same time, we will take away your money, because for the last two years you have refused to vote the supplies"—and because the House of Commons could not pass a bill in time to sanction the taking away the money, they sent out to the governor of the colony instructions to ask the House of Assembly again to vote the supply. He now came to what he must regard as the very peculiar proceeding of the present Government in the dispute with the House of Assembly. The House of Commons and the House of Lords had voluntarily declared, in a series of resolutions to which they had severally and mutually agreed, that a reform in the Legislative Council was needed: at the same time, they bade the Colonial Governor demand the supplies of the House of Assembly, after having infringed the constitutional rights of that body in the most marked and extraordinary manner. He would be frank in this matter. He knew what would take place in Canada. He told the House what would take place, and his prophecies were verified to the letter. When the resolutions of last year went out the necessary consequence was, that every man in the colony asked himself "Are we to bear this? What is the alternative? It is clear that the Imperial Parliament, paramount in England, and indeed over the whole of its great empire, has decided against us; we have, therefore, no hope through the ordinary means of obtaining our desires." "Is there, then, no alternative?" was the national question which every man put to himself. It was put by the leaders of the people to the people themselves; and the answer of the people was, "The power of the Imperial Parliament is so great that it may override us under any circumstances; therefore, we must submit." The determination come to by the leaders was, to counsel the people to submit. He did not say, that they did not expect a day to arrive when some other alternative might not present itself; but the result was, they determined to submit. At the same time they said, "We are to be called together by the governor—he is to present to us the resolutions of the House of Commons and the House of Lords. Those resolutions are to be presented to us as a whole, and if the governor gives us a fair opportunity of saying to our constituents that we have done all that we could do, and that all has been done for them that the Parliament of Great Britain has determined, we must yield, and for the present submit to the demands of the Government." Such were the feelings—and he was bold in saying these things—he would pledge himself that such were the feelings and intentions with which the members of the House of Assembly went to Quebec. The resolutions were placed before them as a whole, but what was the demand of the governor? Money, money, money! But, said the House of Assembly, "is there not something else in the resolutions? Is it all money, money, money? Is there not some acknowledgment of abuse in the resolutions? Are you come only to ask for money? Have you not any authority for effecting some alteration in the Legislative Council?" Why did they ask this? Because, in point of fact, there had been circulated in Montreal, with a sort of demi-official authority, a list of the new Council. That list was withdrawn. It was not acted upon; and for four long months things went on shilly-shally dilly-dally—the colonial department on one side, and Lord Gosford on the other, with a great country there in a state next to revolution, and with a representative body anxious for an excuse—anxious for the means of saying to the people, "we have got all we can, all that the Imperial Parliament have proposed, and we must submit." But what was it they sent? They sent the governor with these resolutions in his hands, but with nothing of redress, nothing to satisfy the pride as well as the vanity of these people; nothing conciliatory, but all that was grasping, after money, money, money. At whose door did all this lie? Why, at the imbecility of the Colonial-office. Did the House believe that if there had been a man of weight and of mind to lead in these affairs there could have been such delay upon such important points? Good God! to those who sent out all sorts of people to all sorts of places, were there no means of sending out a man post-haste to the governor of Lower Canada, begging him, for God's sake, to go down to the House of Assembly with a proposition for an altered Legislative Council, at least before he asked for money, entreating him not to insult that Assembly, not to say to them, "we do not care anything for your feelings, you who represent the feelings of the whole body of the people. True it is, we admit that the Legislative Council have done all that is mischievous; this we admit by the report of our commission, this we admit by the solemn censure of a resolution of Parliament—all this to us is as nought—we have the power to ask for money, and that is all we regard?" Why, any man of common sagacity would conceive that at least it was intended, when communicating those resolutions to the House of Assembly, that the governor should go down with some such proposition as that of a thorough investigation into the abuses of the Council. Why was that not done? It must be supposed that justice was asleep; that the Colonial-office was in that happy state of repose in which it could not even hear the murmurs of the people, although they were so loud as to startle every one else. Nothing could awake it from its slumbers. What cared the Colonial-office at the Canadian people being insulted by this mode of proceeding? It was a very easy thing to get at the Exchequer; therefore, if a revolt did take place, why, it must be put down. It might cost something, to be sure, but that could not be helped; besides, an opportunity might, at the same time, be obtained of putting down the House of Assembly, and that was something. Well, what took place besides? Before Lord Gosford met the House of Assembly he was exceedingly careful to insult the leader of the people there. It was well known that three months before the meeting of the House of Assembly Mr. Papineau attended various meetings of the people. The leaders of the people discovered at the time of these public meetings that the people were not prepared for the alternative to which he (Mr. Roebuck) had alluded. What did Lord Gosford do? He waited three months, and then he did that which all the advocates of Canada had been unable hitherto to do—he brought the grievances home to every man's door. Hitherto the advocates of Canada had been obliged to address the Canadian people through their understandings. They had said to them —and he (Mr. Roebuck) acknowledged that he was one who did so—"These are encroachments upon your privileges—watch them well. The effect, though not mischievous now, may be so hereafter. The words of Lord Gosford may be a warning to you." This was a warning to the nation: but being in themselves happy, and not disposed to do anything violent, those good people, although they did support systematically their representatives, yet they did nothing more. But Lord Gosford came and dismissed by wholesale the militia officers and magistrates, thereby making every man feel himself personally insulted—and these were the people he was to conciliate! Could anybody wonder, after seeing that the resolutions were not carried out, and after seeing that nothing was done to satisfy one of their just demands, the justice of them acknowledged over and over again, that the members of the House of Assembly should say, "We will not be accessory, by paying this money, to our own dishonour and disgrace. We will not yield to this unrighteous demand." Well, the House of Assembly separated, and then what happened? Lord Gosford proceeded to revise the magistracy. He did not, indeed, dismiss every person from the commission who entertained liberal sentiments; but he dismissed almost every one. He dismissed men who were not accused of any crime—men belonging to no faction, not taking any part in politics. And what did he do next, and that without any apology, knowing what was the state of the law in that country? The Legislative Council took care of that. Nay, the Government at home acknowledged that the Orange party there was so thoroughly ferocious that they were obliged to send out officers from this country to officer the militia in Canada. At that time the sheriff of Montreal was appointed by the governor, and was subject to dismissal by him; the mere magistrates and judges also were made by the governor, and likewise subject to dismissal by him. Well, in this state of things he issued orders wholesale to try all the leaders of the people for high treason, on account of speeches which they had delivered full three months before. And what was it that those persons said? Precisely what every man of common sense would have said, that to be tried by a jury chosen by such a sheriff, and before such a judge, was nothing more nor less than condemnation before trial. Every body knew (they had experience near home) what an Orange jury would do. The Canadians naturally said, "We are not willing to stand the result of such a trial," and as many of them as could consequently went away; and this was called running away —this was called dastardly! It was a most natural thing, but it seemed to him to be very easy to be valiant in other persons' places; but he should like that those persons who spoke thus of his friends over the water should be precisely in the same position with them. They were said to be cowards and to have fled from those whom they excited to revolt. First and foremost, if they had staid in in the country they would have been in prison, and then how could they have been with the people whom they were accused of deserting? If not with them how could they be said to have excited the people? and, furthermore, he wanted to know, they having gone out of the country, how it could be said that they excited the people? But he would tell the House how those people were excited, and when they had heard their story, the House, he hoped, would have some consideration for the characters of those individuals of whom men spoke so glibly. The people of the district of Montreal, when they saw the necessity of their leaders being obliged to depart to avoid being arrested, and knowing that many others were likely to be taken up upon the same plea that the apprehension of those who escaped was sought for, because two affidavits only were all that was required for that purpose, said that no more writs should be executed there. What did the magistrates of Montreal do, or rather what did the Attorney-General do? He got a party of militia men, chosen out of those Orange partisans whom he knew to be the very men of all others who most wanted to create a riot; men who had before petitioned to be enrolled in the rifle corps of Montreal; and they went out and arrested two respectable men. M. Demaray and M. D'Avignon. They chained these two men, put manacles on their hands, a chain on their feet, placed them in an open waggon, and he (Mr. Roebuck) had it upon the authority of one of the people that they put a halter round their necks. He was the more bound to believe that they did so because they so treated a respectable person, the son of the surveyor-general of that country, and while suffering under his wounds, and dragged him many miles through the district. Well what did they do with Messrs. Demaray and D'Avignon? Instead of going direct to Montreal from the places where they were arrested, they actually paraded those persons throughout the excited district. What was the consequence? Just what they themselves expected: the peasantry rushed to arms and rescued the two men: whereupon the Government exclaimed, "We cannot suffer the law to be opposed in this way; we will send out an armed power." They accordingly sent Colonel Gore to St. Denis, and Colonel Wetherall to Chambly, who were to join each other at St. Charles. At St. Denis the English troops were dispersed, but Colonel Wetherall arrived at St. Charles and the people were dispersed. And what was the consequence? Why, that an excess afterwards took place at St. Charles and St. Denis on the part of the soldiery, only to be equalled by the scenes of slaughter at Tarragona and Badajoz. Nay, he had received information from a magistrate of Lower Canada of his having sat in the midst of the most horrible scenes, and of being surrounded by the mangled bodies of those who had been slaughtered by the British troops—that those very bodies were the next morning eaten by the pigs—that many houses were plundered of all that was valuable in them, and that to his own knowledge those troops, in the insolence of their success, had committed every species of outrage which an infuriated soldiery were apt to commit, and this upon whom? Upon our own fellow-subjects. The honour of the British soldier had been spoken of as involved in this affair; but that was not an expedition in which honour could be gained by British soldiers. No, they were acting as police; and all that they could possibly do would, at best, be but a painful duty. But horrors such as these, atrocities such as these, were not to be spoken of, because, forsooth, it would be tarnishing the lustre of the British arms. Thank God, he thought much better of the lustre of the British arms than to ascribe it to such deeds as these. What honour was there to be acquired in opposing and sacrificing an undisciplined body of men who were in an unhappy state of excitement at beholding those persons whom they were accustomed to look up to and revere, treated with every indignity that malice could suggest? These undisciplined men being in arms, and in this state of excitement, did, undoubtedly, resist the well-disciplined troops of her Majesty, who thereupon proceeded to burn barns with men in them; and with their gallant commander at their head, to rush in upon an almost unarmed and, certainly, a most undisciplined body of peasantry, who were the subjects of the same Sovereign. And yet we were not to speak of these horrors, forsooth, but at the risk of being denounced as having no regard for the honour of the British army. He would repeat, that he had much more respect for the honour of that army than those who desired to have such services done by it. To suppress a revolt was always a painful duty, but it must be performed. That duty might, however, be disgraced; and he would never be persuaded that the commanding officer had not sufficient power over so small a body as were then employed in Lower Canada as to prevent them from committing these excesses. He himself knew that booty was actually brought into Montreal and sold by the soldiers. They robbed the inhabitants, and why? Because some portion of the people were in arms. They did so, knowing that the House of Assembly was not sitting; that its members were scattered over various parts of the country to an extent of no less than 700 miles; and knowing, therefore, that they were not in authority at that time. It was most unworthy shuffling, then, to attempt to put upon their back the odium and the horror of this rebellion. The rebellion was brought about by Lord Gosford, by the colonial Government, and by the want of wisdom on the part of the rulers, and not by those men who had honestly maintained the character of the real representatives of the interests of their constituents, But (said Mr. Roebuck) it is the habit everywhere now-a-days to speak of Mr. Papineau as being answerable for all that has befallen his country. Now, Sir, I am not one of those who have been in the habit of deserting a friend in need. In his most prosperous days I have thought myself honoured by the friendship of Mr. Papineau. I think myself so honoured now; and when I review the political career of that man, raised as he has been to eminence by the sole power of his intellect, without the employment of one single disgraceful proceeding, I look in vain through the whole of that career for one act which deserves reprobation. True it is that he denounced in strong language the conduct of your colonial administration. I myself have equally condemned that administration; and if there be guilt in saying that Canada has been ill-governed, that her grievances have been left unredressed, that her oppressors are men ever cruel, and now exasperated, I, Sir, am willing to partake of that guilt. Talk to me of being frightened at being called a traitor; at being told that my life is forfeited; at the newspapers setting forth that I am to be sent to the Tower? Yes, the Government organs and other portions of the press have endeavoured to excite the people against me, and induce them to believe that I and my friends could desire that which England could view as dishonourable. Do you think that I am to be frightened by such petty warfare? If I be guilty why are there not some who dare accuse me lawfully? I want to know what is thought of the courage of those men who dare make these anonymous accusations, but have not the courage to support them by a criminal prosecution? My papers have been seized. Let them be produced. I have not run away; because I know that there is a jury in England who will render justice to the accused. Where is the ground of all this accusation? What I am anxious for is, to get laid before the people of this country whatever justification may be urged for all the persecutions that have been inflicted on the people of Lower Canada by the executive power. I want to know upon what grounds a justification can be put forth for harassing, persecuting, and putting into gaol a whole body of men who have been the leaders of that people for a quarter of a century, upon the mere affidavits and partial statements of persons whom the executive Government know to have been suborned? And yet, with all this power in your hands, you proceed to suspend the Habeas Corpus Act and annul the constitution. It may be conceived that to suspend the constitution was a happy thought. It is an act you have long desired, but you dared not do it until you got the people frightened by your proceedings into a revolt. But why stop here? Why not suspend the constitution of Upper Canada? There is a revolt, and you have not heard the last of it. Why not suspend the constitution of Newfoundland? There is a stoppage of supplies, and you have not heard the last of it. How comes it, by-the-by, that we never hear, through the medium of the Colonial-office, of some things that are taking place there as well as in Canada? How happens it that at the last election in Newfoundland you had cannon planted on the hill commanding the hustings, loaded with grape shot? If you deny these things, I tell you there are men here who can prove it; and yet you wonder that your colonies do not entertain a feeling of gratitude and consideration for—that happy metaphor of yours—the mother country! Let me carry out your metaphor, and call her step-mother. If, after this statement which I have made, Gentlemen are still prepared to do what they are now called upon by the Government to do, I wish to know whether they will still say that any case has been made out against the House of Assembly. I address myself particularly in this case to that class of politicians who are, by favour, called Liberals. I want to know how they will distinguish these acts of power towards the people of Canada from those which were committed by this country previous to the American revolution? "O!" says one, "we don't tax them." No; but you allow the House of Assembly to tax them, and then take their money when they have been taxed. And, furthermore, is it nothing to suspend the constitution? After taking away their money, you proceed to deprive them of their constitutional system, notwithstanding their approximation to a nation for whose institutions the Canadian people entertain the strongest predilection. There is the same prevailing feeling in favour of the republican principle on the part of the various states of North America as there exists in Europe for the monarchical principle, or in the East for the despotic principle. Can you wonder, then, if there should arise in the United States a strong feeling of sympathy for those people who are now reduced to the crouching condition and to the servile state of slaves? They are now to be governed by a governor in council—they who have been made to understand the full benefit of a representative Government; they who see that principle on the other side of an imaginary line constantly acting in full vigour, and in all peace and quietness. Comparing themselves with those men, they say, "We are your equals: why should we be deprived of those institutions which we hold dear? Why? Because we are weak. If we were strong England would be just, but we are weak and she is unjust." Sir, you have granted rights to those who knew their power, and who, knowing, used it. It was by the power of their arms that the United States of America became free. The best rights of this country have been gained by arms. You taught the people of Canada the very lesson they have now carried out. I myself have seen in this metropolis, things done, and heard things said, during the passing of the Reform Bill that, if you talk of treason, were ten thousand times worse than anything that has been done in Canada. And who did those things? The Liberal party. Who consented to their being done, and profited by them? A Liberal Administration. And then you wonder at what is going on in Canada, and pretend to see a distinction which neither Washington nor Franklin could discover. The people of Canada say to the people of the United States, "We are in the same position that you were formerly in, but unfortunately we are only one million, while you are thirteen." At the time of the revolution, indeed, the United States were but about three millions, but England is now an overwhelming power, while then she was not equal to combat with the world. Sir, can any one who reads the history of nations aright fail to condemn the impolicy of these proceedings? I entreat this House to view the consequences that will naturally result from this disastrous question. I see on the other side of the St. Lawrence a nation now so powerful that we can hardly measure its extent; a nation, that has now dominion from Florida to the Lakes of Canada, and which, if we are wise, we shall take especial care has no increase of territory. If we are wise, we shall see and arrange all matters in Canada, and in our other North American possessions, so as to prepare them when a separation shall come, as come it must, to be an independent nation. But if you treat them thus as you are now treating them, all their hopes will be centered in America, and unhappily all their alliances will be American; and when we lose Canada, as lose her one day or other we shall, she will merge in the United States, and then we shall see that nation stretching its power from the Gulf of Mexico to the northern pole, with their fleets in every sea, and her insolent dominion, over-riding every power: for men, whether under good or bad institutions, if you make them irresponsible, will be unjust. Then, in your turn, you will have to meet the injustice of too powerful America, in like manner as Canada has now to meet the injustice of too powerful England. Sir, I am sorry that on me should devolve this great argument. I feel that I have wearied you. I feel that I have been inadequate to the great task which a nation's struggle has thrown upon me; but I hope, while I have addressed you that I have not forgotten, in the zeal of my advocacy, that I am one who was born of British blood. I have spoken from my heart as one whose whole interests are bound up in the honour and glory of my country. I feel that that honour and that glory are now at stake—not that factitious honour which is to be derived from power, or whatever is successful in possession and prosperity, but that honour which is to be derived from the wisdom, the justice, and the benevolence of our rule. I find that the benevolence, the wisdom, and the justice of our rule are about to be infringed, and that all our American colonies that now remain to us will by and by in another page of history have to relate the calamitous story of this time similar to that which is already upon record; and then, Sir, as the last ship of England leaves that insulted coast, with its millions stretched along its shores shouting imprecations after her, you will feel, and not till then will you feel and know, your own injustice. Sir, I have done my duty.

The learned gentleman withdrew.

The *Speaker* put the question that the bill be committed.

Mr. *Hume* had understood it was not to be committed until its principle had been debated.

Lord *John Russell* said, that the principle of the Bill would be debated on the question that the bill be committed.

Mr. *Hume* did not understand that two stages of so important a measure would be taken on one night.

The *Speaker* said, the hon. Gentleman was in error. The House was not taking two stages. They were doing precisely what must be done on every Bill. The question that the Bill be committed having been carried, he should then put the question as to what day, and then it would be competent for the hon. Member to speak upon the principle of the Bill.

Mr. *Hume* said, if so, they were in a condition always as if they were reading the Bill a second time. He would appeal to the House whether the case they had just heard at the Bar did not give a different colour to the whole transaction, and make out a case so favourable to the House of Assembly that they ought to pause before they proceeded with the Bill? He admitted it was imperative on the House to enforce obedience to the law in the colonies; but they ought not, therefore, to suspend the constitutional privileges of those colonies. From beginning to end, it appeared to him that the House of Assembly in Lower Canada had acted with great prudence and much patience. They had been invariably frustrated in their endeavours to obtain the best measures for the people by the Legislative Council, and if any punishment were to be inflicted, it ought to be inflicted on that body that had stayed the course of justice and reform. Mr. Roebuck might have made his case still stronger by showing that the House of Assembly had acted in accordance with the feelings of the people, because he might have shown, that during that period which the learned gentleman had so rapidly run over, the Governor had tried again and again, by appeals to the people, to resist the proceedings of the Assembly, but that at every new election the people sent back a greater number of members to support the popular cry, and to demand full justice. Under these circumstances, he entreated her Majesty's Ministers not to press on that which would be, in his opinion, so far from conciliation that it would tend to widen the breach. He should feel it his duty to give his opposition to the present Bill in every stage of its progress through that House and he should therefore then move that the Bill be committed that day six months.

Sir *George Grey* need scarcely say, that to the motion which had just been made to the House by the hon. Member for Kilkenny he should offer his most determined opposition. He was utterly at a loss to conceive how the hon. Member proposed to effect the object of which he appeared to approve—how he would send out a Governor with full powers, when he opposed the only measure which would give the necessary authority. He rejoiced that the House had listened to the learned Gentleman who had that night addressed them from the bar so ably and with such eloquence, for though there were not wanting in that Assembly many advocates who were not deficient in zeal, and whom they had heard on former occasions most fully state the wishes and represent the opinions of the Canadian people, yet he rejoiced, that the British Parliament, in accordance with the feelings which ever actuated a British assembly, had not interposed any obstacle to the hearing of a Gentleman claiming to be the authorised agent of the Canadian people, and possessed of such an authority, so far as a resolution of the House of Assembly could confer it. He was only anxious, then, to recal to the House the real circumstances connected with the Canadian controversy, to the state in which the Government and the House were then placed, and to the proceeding as connected with the Bill then before them. He would not follow the hon. and learned Gentleman through the remote periods of the Canadian history, neither would he recite the serious grievances which from time to time and from year to year they had heard so well stated by that hon. and learned Gentleman in his place as a Member of that House, nor the answers which had been called forth upon those occasions; but he must advert to one point in the earlier state of facts which had been referred to, and in which the hon. and learned Gentleman attempted to make the House believe, that the Canadian dispute related only to financial differences, and that the whole was merely a financial question. The hon and learned Gentleman had stated, that all the Canadians required was, a control over the revenue; and in dealing with this point the hon. Gentleman had imputed great negligence and imbecility to her Majesty's

Ministers; but he must say, that this was not a fair representation, for every financial claim had been attended to by the Government; and the Legislative Assembly had subsequently departed from the just and constitutional grounds on which it had at first stood. Concession was made of all their just rights, and then commenced their unconstitutional and unjust demands; and a negative was given to those demands by the Parliament only after a solemn and thrice-repeated declaration of the Canadian Legislature to adjourn all their deliberations, to render useless their functions, and to abrogate the duties imposed upon them by the act of 1791, till the British Government and the Parliament had receded from the ground which they had taken—till they had granted an Elective Legislative Council. By these acts, or rather this neglect, the Canadian constitution was practically suspended, although it would only be so in reality by the act which was then proposed; an act which, in fact, was only to supply the wants created by the refusal of the Assembly to pass those legislative measures which the interest of the province demanded, and to provide for the want of the society during the interval which must elapse before an Assembly could be called together. The Government had placed confidence in the representations which had been made to them, that if the Canadians were intrusted with a control over their expenditure there would be but little difficulty in managing the affairs of the colony; but when the Assembly met they carried not one legislative act; they met to remonstrate, not to legislate; they saw all the acts which required to be re-enacted expiring; and all this they allowed to pass without the slightest attempt to prevent the injustice which would accrue to the public and to individuals, without any provision for the manifold interests which required their protection, and which were placed in their hands by the Act of 1791; and the House was then called upon, after the greatest forbearance had been carried to the fullest extent, by the Bill then before them, to remedy these inconveniences. This Bill, too, was the only means by which it could be done effectively, unless hon. Members assumed the functions of the local Legislature by passing from day to day the Bills which might be required, and which they must do in absence from the scene of action, and in entire ignorance of local wants and local wishes. But let not the House mistake the real state of the case, nor what had occurred in Canada since 1828. Let them mark well the progress of the present dispute relative to the conduct of the House of Assembly. In 1833 a Bill of supply was passed by the Legislative Assembly, which was rejected by the Legislative Council for the reasons and under the circumstances which had been mentioned on a former evening. In 1834 no such question arose, but the House of Assembly, without any distinct refusal to vote a supply, passed the ninety-two resolutions, which were embodied in the Address to that House, and which having been sent to the Governor to be forwarded, the Legislative Assembly was left with so few Members remaining in Quebec attending to their duties as to render it impossible to transact any business, and they could only meet and adjourn. In 1835 the same process was pursued, and thus for two years the Assembly separated without making any provision for the public service, or for the payment of the salaries due to the persons who were necessary to discharge the judicial offices in the colony, or to those other persons against whom it was never alleged either that their offices were unnecessary, or that their salaries were inadequate to the onerous duties which they had to perform. Under these circumstances it became, in 1834, the duty of the Government to consider the best steps to pursue to raise the colony to a better state; and he could not regret, notwithstanding the weakness and the imbecility with which he and his colleagues were charged, that they had not adopted those harsher measures which would have led to an immediate quarrel; that they did believe in the professions which were made, that if the Canadians had a control over the expenditure, and if there were a fair distribution of offices, there was no reason to fear but that the Legislature would cordially co-operate with the Government to carry on the executive functions. Ministers might have been too credulous, but the course which they adopted was preferable to a harsh and little-provoked exercise of dominion, and the exercise of what Burke called "the boundless power of imperious legislation." Lord Gosford had gone out in the year 1835, and had carried with him instructions in a double capacity, both as Governor and as a Commissioner. As a Governor he was ordered to remedy every abuse and to redress every grievance which was within the province of the executive Government, and he might confidently appeal to every Act of Lord Gosford in support of the assertion, that the noble Lord had fairly acted up to the spirit of these instructions; for he had never heard any complaint against his Lordship in his administration charging him with any partiality, any preference to one race over another; or at least, he had never heard such a complaint from the Canadians themselves. Complaint had been made that he had removed from commissions in the militia and the magistracy, not gentlemen who had merely attended a public meeting, to express a legitimate opposition to any given course of Government, but to pass resolutions subversive of all connexion between this country and the colony, and tending to that direct infraction of the law which had since been acted upon. If Lord Gosford had waited till insurrection had actually taken place, till the men were to be met with arms in their hands, then, indeed, he might have been justly accused of imbecility for abstaining from acting, but allowing the whole weight of their authority to add to the power which they would have with a misguided people; and he must say that Lord Gosford had taken the course which every man of mind would have pursued. He had been conciliatory till the exercise of stronger powers was absolutely necessary, and when the necessity arose he had not failed. In 1834 or 1835 the first demand was made for an elective Council, and the House of Assembly refused either to vote a supply, or to perform their other functions, till their demand was granted. Lord Gosford, in opening the session of 1835, informed the House that he had received his Majesty's commands to place at the disposal of the House all the public monies, subject to certain conditions. It had indeed been said that the message of Lord Dorchester had already, and for many years, placed these funds at the disposal of the colony; but all that Lord Dorchester's message did was to pledge the Crown that the funds derived from the casual and territorial revenues, and the revenues arising under the Act of 14 Geo. 3rd should be strictly applied to colonial purposes. He was not aware whether they were placed at the disposal of the House of Assembly, but at any rate they were by that message only pledged to be used for colonial purposes, in aid of the revenue of the province. In stating Lord Gosford's message, placing these revenues at the disposal of the Legislative Assembly, he did not wish to claim for the present Government any share of merit to which they were not fairly entitled, and in justice to the Government of the right hon. Baronet, opposite, he must say, that to the same extent was the Government pledged so far back as the period when Lord Aberdeen was at the head of the Colonial-office, and the pledge was contained in some signed dispatches to Lord Amherst which were left in the Colonial-office. It was unnecessary for him, however, to travel through the early history of the Canadian differences; it was no part of his duty to defend former acts; it never was his intention to state that no unjust principles had been acted upon in the Government of Lower Canada. It had been admitted again and again that there were grievances; but what he had formerly stated and complained of, and to what he still adhered, was, that these had been redressed to the fullest extent; and when the more reasonable and more moderate but not more strenuous advocates of good Government had expressed themselves satisfied with the redress, other persons stepped in, and, denouncing the moderate and reasonable men as renegades, declared that nothing less than an elective Council or a separation from England would content them. To Lord Gosford's address a general answer was made by the Assembly, but several months elapsed—indeed it was not till the month of March, 1836, four months afterwards, that the House replied specifically to the Lieutenant-governor, declaring that the principal objects which they had in the reforms which they required were the introduction of the elective principle into the Legislative Council, to make the Executive Government directly responsible to the Assembly, to repeal certain Acts passed by the Imperial Parliament, and to give them a substantial control over the waste lands; and, to prevent any misunderstanding as to the demands which they made, they stated that the head of their reforms was the essential principle of introducing a system of election into the Legislative Council; and that "the people without distinction, regarded this council as opposed to the wishes of the colony, and as the stronghold of abuse, and considered that any partial reform or alteration would be insufficient." Now the hon. and learned Gentleman who had that night spoken at the bar, had said that the House ought to look to no other representation of the opinions of the Canadian people but that which was stated by the House of Assembly, which was the sole organ of the wishes of an united people. But what were the facts relative to this very reply elicited by the Commissioners, and for no part of their report was there more convincing evidence than for this, that so far from the people being unanimously of opinion that nothing short of the introduction of the elective principle would suffice, there was a large and influential body of great wealth, especially commercial wealth, who deprecated, as positively mischievous, the suggestion of an elective council, who thought that by conceding this principle in the present state of the colony, the Government would be inflicting a great evil on the colony, and that Great Britain would be thereby receding from the position which she had taken up when she induced many of her citizens to transfer themselves to, and to invest their property in, this colony. He would not affirm, that the Legislative Council was without fault, he was not an admirer of its original constitution, and he had admitted that it had in its composition many faults; he need not, therefore, repeat the admission; but he must remark, that there was a great difference between making it elective and introducing into it such modifications as should secure for it the greater confidence of the people, and should bring into greater harmony the two branches of the Colonial Legislature, but which should still leave in existence the free exercise of an independent judgment. It was said, that the recommendations of the Assembly ought to have been attended to, but at the time three and a half years' arrears of salaries were due, and a six months' supply only was granted, being a small proportion merely of what was actually due, and making no provision for the future salaries. Lord Gosford reported this answer, and prorogued the Assembly; and it had been asserted, that the Government ought to have assumed that the dispute between the Assembly and the Council was irreconcileable; but the Government was anxious not to force on such an evil; and considering that some passages in the reply of the Assembly showed a distrust of the Government and misunderstanding of their intentions, they had directed Lord Gosford again to convene the Assembly, to lay before them the whole of his instructions, and to request them, with these explanations, to reconsider their resolutions. In answer to the address which Lord Gosford accordingly made to them, the Assembly declared that they had not misunderstood the Government; and that in reference to a supply they considered that a redress of grievances should precede a grant of money, and that they had come to the determination to adjourn their proceedings till the determination of the Government should be known, and till the second branch of the Legislature was made conformable to the wishes and wants of the people. By this expression, they meant nothing less than the introduction of the elective principle; and his Majesty's Government, not being prepared to establish or propose the adoption of that principle, had asked the Parliament to consent to the resolutions which had been passed in order to show the Canadians that it was not a mere difference between the Executive Government and the Canadian Legislature, but between the Canadian and the Imperial Legislatures, so that the Canadian Legislature might reconsider their resolutions, and might yield to the voice of the Imperial Parliament what it would not grant to the requests of the Executive Government. He regretted that it had been necessary to call upon the Parliament to act as an arbitrator, and he regretted still more that its arbitration had been rejected. The solemn resolutions of the Imperial Parliament had been met in a spirit still more hostile than had been before experienced, and a resolution had been passed by the Legislative Assembly that they would not resume their functions till the elective principle was made the basis of the Legislative Council. Ministers, not being able to propose a concession to their demands, because they conscientiously believed that such concession would be detrimental to the colony as well as to this country, and would tend to the dismemberment of the empire, they were bound to provide the means by which a temporary substitution could be made for the discharge of the functions which had been abrogated by the Legislative Assembly, and to provide for the necessities of the colony left without a Legislature. Against the Bill, then, before the House, and which was proposed with this view, nothing had been urged by the hon. and learned Gentleman who had been heard at the bar, and nothing had been suggested by him as an equivalent, except that he asked them again to call together the Assembly, which had been three several times convened, and had most unequivocally declared that they would never discharge their duties as one branch of the Legislature till the Government had complied with all their demands. The Bill now proposed was only a temporary measure, rendered necessary by the emergencies of the times. He entertained a hope, which he might venture to say amounted almost to a certainty, that this measure, in the hands of the Earl of Durham, coupled with the general instructions upon other points which he knew the Earl of Durham had received, would effect the object so much desired, that all past differences would be buried in entire oblivion, and that all parties in the colony would concur in establishing a firm, a reasonable, a stable, and a liberal form of government, which would not only cement the connexion between this country and the colony, but would also render the Canadas prosperous, and the people contented and happy; and he trusted that long before the period limited by this act, his hopes being fully realised, her Majesty in council would be able to avail herself of the power contained in this Bill to shorten its duration, with advantage to all parties, and to call together, under better auspices than had of late prevailed, the ordinary Colonial Legislature. Reference had been made by the hon. and learned Gentleman to some points in which he asserted the Legislative Assembly had been wronged by the Executive Government. He had said, that money was the only object of the governor, that no redress was afforded, and that in every other respect, except the attempt to get at the supplies, he had made long and useless delays. The learned gentleman particularly complained of the delay which had taken place in adding to the Legislative Council the names of Members of a more liberal character than had heretofore been selected, and who possessed greater confidence with the Legislative Assembly; but he thought that the papers on the table of the House afforded full reason for the short delay which had taken place; and by a perusal of those papers it would be found that Lord Gosford had in the month of June, in the last year, after the most mature deliberation, sent home a list of men whom he had selected as fit to fill the important office, not indeed of men who were pledged strongly to any line of political conduct either on one side or the other, but men entitled from their character and station, and, above all, their moderation, to the confidence of the country; and he must candidly confess that the spirit in which those names had been received was such as to afford him no hope that if the selection had been made, the list had been forwarded, and the persons appointed at an earlier period, this increased celerity would have removed any of the evils which had been complained of, or would have produced any quicker reconciliation between the two branches of the legislature. For had not hon. Members heard even in that House, men who did not form part of the extreme party in Canada, and who did not go to the full extent of the views of the Assembly, designated as worse than the most violent of the British party? Was there any disposition to give credit for liberality to any other persons in that colony than men who had looked, not to the attainment of an effective reform such as the Imperial Parliament had agreed to, and was more than once pledged to grant, but who had determined upon having an elective Legislative Council, and who laboured to produce a separation and to establish the independence of the colony, measures alike inconsistent with the interests of great Britain and of Canada. Allusion had also been made to acts which had taken place since the passing of the resolutions, and the learned gentleman had quoted extracts from papers published in America, and by the more violent party in the colony itself and the learned Gentleman had endeavoured, he (Sir G. Grey) trusted without succeeding—to fix a stigma on her Majesty's Government, and a stigma on the gallant officer commanding in Lower Canada, on account of the supposed conduct of the troops. Such a charge ought at no time to be allowed to be made in that House, either by a member, or at the bar, except it were intended to support it by proofs, and unless there was some other foundation on which it rested of more weight than anonymous newspaper paragraphs. He would ask whether the persons who made the statements were prepared to prove that villages had been burned, that Houses had been sacked, and the mysterious allusion to all those other outrages usually perpetrated by an excited soldiery in a state of war? If they were prepared with proof he hoped that they would not delay in bringing it forward: but in the mean time he must express his utter disbelief in the statement; and he thought that from the character of the officer commanding the troops, he might safely assert that there were no grounds for the statement. The Learned Gentleman had also to-night, and the hon. Member for Kilkenny had on a former occasion, alluded in severe terms to the conduct of Lord Gosford with respect to the selection of the magistrates, who were said to have been chosen solely from one violent political party, and to have been appointed only to carry into effect the determination of the governor with respect to the state prosecutions. Now, though he had not before him the names in the list of magistrates who had been dismissed, nor of those who had been appointed, as moved for by the hon. Member for Kilkenny on a former night, yet he thought that some information as to their general characters might be gleaned from the dispatches. In Lord Gosford's dispatch, dated Nov. 22, 1837, in the inclosure containing a report from the Attorney and Solicitor-Generals respecting the proceedings in the district of Montreal, it is said, "our undivided attention has been devoted to the attainment of such evidence as would authorise the arrest of those political incendiaries to whose machinations the present alarming state of this city and district is to be attributed. Having at length accomplished this important object, by the assistance of Messrs. Cuvillier and Penn, two of the magistrates of this district, to whom the depositions and accompanying documents were submitted, with our opinion that the charges contained in them amounted to high treason against the parties implicated therein, warrants were issued for their apprehension." Was Mr. Cuvillier one of the English magistrates against whom the denunciations were intended to be made? Was he one likely to be a party to such measures as had been described? He was one of the agents to this country from Canada, in company with Mr. Neilson; there was not the slightest evidence to prove, that he wished to abandon the principles of liberty which he had ever advocated, or the improvements in the Government for which he had ever contended; but finding that the leaders of the people were going far beyond what his sentiments warranted, he had not gone along with them, and notwithstanding his former agency on the part of the Assembly, he was equally attached to the freedom of the people, and to stand by the Government in all attempts at insurrection and revolt. He was sure that Lord Gosford's conduct would bear the strictest investigation. Hon. Gentlemen had, indeed, brought no direct charge against him but had contented themselves with dealing in general allegations against him in every case except the last; and though there were at present no documents relating to this charge to which reference could be made, yet as far as the evidence went, there appeared the most perfect exculpation. There was one other statement of the learned Gentleman which he could not allow to pass unnoticed. The learned Gentleman had repeated what had been before explained; and he (Sir G. Grey) thought, that after the contradiction which had been given, the misquotation, he would not call it by the harsher name of culpable ignorance of facts, ought not to have been repeated. In Colonel Wetherell's report, dated from St. Charles, 27th of November, were contained these words, "I burnt the barn;" and in this passage, to make up the forced construction of the learned gentleman, the words, "with all the individuals in it" were interpolated; and hence the assumed wanton destruction of human life. It was not just that those statements should go forth to the country. The real facts should be looked to, for it would be found that at the moment when the barn was burnt there was no allegation of there being any person in it. Colonel Wetherell had been shortly before fired at from the very barn, while his troops were drawing up, but it did not appear that any persons were absolutely within the building at the time of its being destroyed. The destruction of the barn was necessary, and only in accordance with the practice universally adopted under such circumstances. He would ask the hon. Member for Westminster (Mr. Leader), who was present at the meeting at the Crown and Anchor

Tavern, whether it was fair that those statements should be made, which it was well known could not be proved? He was only anxious that the real facts should be known—that they should be known as widely as possible, and he was the more anxious, because he was satisfied that it would be seen, on the real circumstances being published, that the Ministers had not departed from a wise and temperate mode of government, but that they had acted only in the discharge of their duty, and had only adopted a course to which they were driven by the exigencies of the times. It was a duty, however, most distressing to them, and one which he hoped would be discharged with temper and judgment. He felt confident, indeed, that in these anticipations he would not be disappointed, but that the noble Lord who was about to proceed to Canada would conciliate the people so far as his office and the state of the times would permit, and that that course would be taken which would be best adapted to securing the happiness of the people and the re-establishment of their affections towards this country.

Lord *Francis Egerton* felt anxious to bespeak the attention of the House for a short time, in order that he might explain the grounds on which he was disposed to give his feeble but persevering support to the measure proposed by the officers of her Majesty's Government. He felt it the more necessary to do this, because the measure appeared likely, as far as he could judge from recent events and from the discussions which had taken place in that House, to meet with more than the usual degree of concurrence, almost amounting to unanimity, which was accorded to other measures of a similar description, involving as it did a wide distinction from the accustomed principles of legislation; and besides, as it happened, that so many hon. Members differed from their usual course, their reasons, it was probable, would be somewhat various, and it was, therefore, the more necessary to state the grounds on which he proposed, though with unfeigned reluctance, to support Ministers. He gave his support on the ground which had been stated by the hon. Member who had spoken last—on the ground of the necessity of the case, without any party purpose or party view, and stopping only to look at the difficulties in which this country and Canada were entangled. From the statements which had gone forth he was most anxious to inquire whether it was the recent conduct of Ministers to which the present state of affairs was to be attributed; and he must say, that if he looked for reasons to believe that the Ministers were in fault, he should not be at a loss to find them in the papers which had been laid before the House. On the contrary, there were passages in some of the despatches which would lead him to entertain that opinion. He would take the liberty of illustrating his argument by referring to one or two passages which he found in the documents, and which appeared to support this view of the case. The first passage was in a correspondence which took place between Lord Gosford and the noble Lord, the Secretary for the Colonies, in which the latter professed to account for the delay which had taken place with regard to the legislation promised in the resolutions passed in that House—a delay which had given very little satisfaction in the colony. The noble Lord said, that much as he had always lamented the necessity of adopting measures of a harsh or coercive nature, he at the present moment felt peculiar reluctance in adverting to that course, regretting as he did that almost the first measure of the present Queen should carry with it the appearance of harshness towards any of her Majesty's subjects. It appeared to him (Lord Francis Egerton) that no official correspondence presented a parallel passage, containing so much of sickly and ill-timed sentimentality as this. "What a strange comment would it appear on the memory of our late lamented Sovereign, and what an ill-timed compliment was it to the young Sovereign who had recently ascended the Throne of this realm! For the memory of his late Majesty there was no regard—no respect; he must be allowed to go down to the grave with the unfavourable impression against him of coercive measures having been adopted by him, a circumstance which would cover his name and memory with obloquy." Such passages as this did more credit to the injustice than to the justice or the good sense of the noble Lord. There was another passage which had attracted his attention with reference to the recal of Lord Gosford: Sir Francis Head, it appeared, was recalled—it was not known why. It seemed that there was some difference of opinion existing with regard to that gentleman; but so far as he could judge from the papers it appeared to him that he had conducted the affairs of Upper Canada with peculiar tact. Sir John Colborne had been also governor, and under his management the affairs had been well conducted, but he, too, was recalled: of the reason why, everyone was in dark ignorance. Sir John Colborne was recalled, however, and it was not for him to say that there was not some good reason for that course being taken. That Lord Gosford should himself desire to be recalled was natural from all the circumstances; his demand or request that he should be recalled, might be consistent with the credit given to him by the government, and to which he (Lord F. Egerton) was ready to subscribe, therefore if he had stated that the reason of his wishing to retire, was "The storm is gathering round me, I do not like to remain, relieve me and appoint a successor," nothing would have been more fair or more proper. But it was on the reasons given by him, but which were of a far different nature, that he must decline to give his assent to that part of the proceeding. He said, "My situation now is not an enviable one, and on every private consideration I should be glad to relinquish it; it would be better, besides, to have some one in my place who had not avowed his wish and determination to carry on the government on the principle of reconciliation." He had been led to suppose that the most useful agent who could be employed in a task of necessary or justifiable coercion, was one who had exhausted every weapon of remonstrance, conciliation, or peace. It was to this very strange observation of Lord Gosford that he desired to express his dissent, and as it appeared to have been written not without consideration he must be allowed to express his surprise at the sentiment expressed. Lord Glenelg, in answer to this, wrote, "It is impossible not to see that the course of policy now to be pursued will be best followed out by yourself in the matter of conciliation." Did he not see that in this he was writing down the course which he himself proposed. What had been the noble Lord's course but conciliation? He wondered that the noble Lord had not advised Lord Gosford to withdraw his dispatch, or that he had himself presented it to the public, for how could Lord Gosford know who would be sent out as his successor, whether it was to be a man such as Lord Durham, or one who would have no care for the interests or the feelings of the people? He did not urge these facts with a view to impugning in any degree the credit to be given to Lord Gosford in the execution of his duty, and which he was willing to give him to the fullest extent. He knew Lord Gosford well, and was willing to believe that he had done justice to all. Among other matters referred to in the dispatches, the sins of omission had been much remarked upon, and it was said, that there were many gaps or intervals which ought to be filled up. Certainly on looking at the papers it might be supposed that there were some portions of the dispatches which had been kept back; but he was informed that every thing of importance had been brought forward; and he did not feel himself entitled to take any liberties with the name of the noble Lord in this respect as other Members had already done. It would be idle for him to say that the political sentiments and feelings of Lord Durham were not different from his own; but when he said so he did not venture to suggest that those feelings or sentiments would weigh at all with the noble Lord in his government of the colony. He entertained a sincere respect for the noble Lord, and it would give him the greatest satisfaction that he should be successful in the performance of his duties. He had been told, that an amnesty which had been carried into effect had been mentioned to the House, and it had been received as recommending, if not the policy of conciliation itself, at all events the conduct of Ministers; but if the Bill should tend at all to take away the power which the Government at present possessed in this respect, and which he believed to be most useful in recalling the misguided people to their allegiance, or if it referred to any particular individual, he should oppose it to the utmost. The House was told that few insurrections had, in some points of view, less excuse than the present. In spite of what had been said at the bar of the House and elsewhere, he must confess that he believed that there was much truth in this assertion, and that few measures of great importance of an insurrectionary character had had less ground. At the same time he thought that in other points of view few insurrections had been more excusable, because few ever received greater encouragement from this country from the speeches made in this House. He would not go into them, for it was the duty of the Government to suppress sedition. It was the duty of the Attorney-General to take up the prosecution of any individual whose speeches were treasonable or seditious, and he did not choose further to refer to such speeches made in that House or elsewhere. But the opinions advocated in those speeches had been such as to convince the misguided people of Canada, who knew little of the real state of feeling in this country, that however extreme their views might be, even if they should extend to the separation of the colony from this country, though they should go the length of what the law called treason, yet that they would meet with much sympathy from a powerful party in this country, from a party, whom they found advocating and supporting the proposition which they had themselves made. Had such been really the case, he could not but believe that the people had miscalculated; but he could not wonder that they should give credit to the idea, that the feelings which were expressed by that party, and which were very similar to their own, should be entertained also by Ministers in this country; and they would be led to suppose, that it was the impression there that a separation of the two countries would, in fact, be a great advantage to both. It was not surprising that they should place great reliance on the power of that party, seeing the position in which it stood; that it existed not "in," but "over," the Government; that it was one on which the Government very much depended for its existence, and to which, therefore, the Government must be very subservient. The party was one which the Government might resist on one question; but, mark the consequences—they must conciliate it by making some sacrifice to it, on another. The people were told this, and, was it to be wondered at, that they should adopt the supposition? Or was it likely that they would imagine that the Government was opposed to them, and that, with the assistance of the opposition, that opposition on whose support the Government could always depend when any question affecting the true well-being of the Constitution was to be considered, they would pass a measure such as that which was before the House? They were told to look at the tests of the feelings of the people which the elections afforded. They could not believe that the Government could assert their independence of the party which they thought would remain friendly to it when they found the support which they gave to its members. The real feelings of the country might be against them, but there were events which induced the Canadians to suppose differently, for there had been a wailing over the defeat of Bath, and a triumph over the success of Westminster. They might be told to ask where the influence of Ministers, where the influence of the Crown had been given, and they would find that the very principles which they themselves advocated were now supported by the very men to whom that influence had been extended. Under such circumstances he could not call down the penalties of treason on those who had been misled, seeing that they had been misled by those very persons whom peculiarly Government had favoured. The public attention had been called to the conduct of the troops in Canada, and it was not for him to settle that question, because he had only the same knowledge which any other person might obtain from the official documents; but the hon. Member (Sir George Grey) had stated it to be his belief (and he most cordially concurred in this opinion), that any acts of violence which had been committed were only the inevitable consequences of collisions which took place between bodies of armed men. The transactions connected with the revolt afforded additional proof of the utility of a small body of troops in Canada. He was sure that no other country in the world would have attempted to put down such a revolt with so small a number of men, and he did hope, that in the event of any measure being hereafter brought forward in the House for the purpose of altering the present regulations of the army, that hon. Members would pause before they gave their assent to it. The subject of sending a reinforcement to the colony was, by some, considered purely a military one, but he did not consider it so. He did not think that Sir John Colborne or any one else, however competent he might be to speak upon the subject, should write home and say, "I have sufficient force to put down this insurrection." The question which he should have liked Sir John Colborne to answer was, whether he had sufficient force to prevent such an insurrection? He would not ask, "Have you sufficient force to put down an outbreak?" but, "Have you force to awe or intimidate those who are disaffected, and to prevent any revolt?" This was a question which he did not think could be now decided, but on the subject of which he must say, he did not think the Colonial-office stood quite clear. Looking at the question purely in a military point of view, the answer which was given was, that Sir John Colborne was about to quit his quarters with every available man under his command. To return to the Bill itself, there were many provisions in it to which objections might be taken, but he thought it would be premature to enter into the consideration of them before the Bill should come fairly before the Committee, and any observation on this point he should, therefore, reserve until a more fitting opportunity presented itself. He thought, however, that it would be found that the Members of the opposition gave their best support to the measure brought forward by Ministers, believing, with them, that this Bill was absolutely necessary in the present state of the country, and that some person should be sent out with dictatorial powers, and who might be able to conduct the government of the colony in such a manner as to secure eventual peace and security.

Mr. *Leader* said, that after the admirable speech made at the bar, it was almost unnecessary for any Member to make any observations in opposition to the Bill. He, however, felt called upon to address some remarks to the House in answer to the speeches just delivered. He could not help feeling, that it was a most painful and disagreeable subject to follow the hon. Baronet through the details of his speech; and he would at once remark as to the charge made by Mr. Roebuck with respect to the treatment of the people of Canada by the soldiers; that learned gentleman had good authority for asserting that great severities and injuries had been committed by the troops both at St. Denis and St. Charles, and he was justified in saying that they had been guilty of excesses in Canada as if they had been in an enemy's country; for they not only burnt the fortified houses, but they also sacked and burned other houses in those villages. The hon. Baronet said, that the assertions of Mr. Roebuck on this subject were exaggerated, and that Mr. Roebuck had made his statements on the authority of paragraphs in the American newspapers. Now he could state, that this was not the case, but that the statement was made on the authority of a gentleman who arrived from Canada by the last New York packet, namely, the Westminster. He had himself heard that Gentleman, who was an Englishman, and had nothing to do with what the hon. Baronet called the treasonable practices that had taken place in Canada. [*Hear, hear!*] He could not understand that cheer; but he was satisfied that many Canadians were charged with treasonable practices who were guilty of nothing of the kind, and it was rather hard to call them by such names before they were proved to be guilty. He had heard the Gentleman to whom he alluded make the statement almost in the same words as had been used by Mr. Roebuck as to the villages of St. Denis and St. Charles having been burned and sacked. He had, however, evidence on this point which would be considered better and of more weight by hon. Gentlemen. He would refer the hon. Baronet to this better evidence, namely, the dispatches of the Governor of Canada and the military officers who were engaged, and from them he would prove that an unnecessary degree of harshness and severity had been used, and that the property of Canadians had been wantonly destroyed. The troops not only destroyed the stronghold of the insurgents, but also the houses and property of persons who sided with the House of Assembly. He repeated, it was merely for siding with the House of Assembly that they had had their property destroyed. In the dispatch of Colonel Wetherall, dated St. Charles, the 22d of November, he says, "I then advanced to another position 100 yards from the works, but finding the defenders obstinate I stormed and carried them, burning every building within the stockade except that of the hon. Mr. Debartsch;" and the House will hardly believe what is the fact, that the house of Mr. Debartsch is the strongest house in the village, and that was not destroyed, because the owner of it was a Member of the Legislative Council, and a support of the Government. It seemed then that this property was not destroyed, not because it did not afford protection to the insurgents from the fire of the troops, but because it belonged to a person attached to the Government—it was saved from destruction when other Houses not nearly so strong were destroyed, because it belonged to a partisan of the Government. The fact was also stated in the dispatch of the Earl of Gosford, alluding to the proceedings of Colonel Gore at St. Denis, "after destroying the houses from which the troops had been fired on at the former attack." It appeared, then, that those houses were destroyed which were no longer occupied by troops, for it is distinctly stated, that the houses were so destroyed by the troops because they had been fired upon from them in the former attack. There was also a paragraph in the dispatch of Colonel Gore, which was confirmatory of this; he says, "the property of the rebel, Wolfred Nelson, was, in the course of the day and the next morning, destroyed, and also the fortified house and all the defences." He recollected that great blame was cast on himself and others for having stated, that it was probable that the Lower Canadians would confiscate the property of their opponents if their party happened to be successful. It was said, that observations of that kind only encouraged them to confiscate the property of their opponents; but he had not alluded to it with any such view, but only mentioned it as a probable event. If, however, it was such a horrible thing even to allude to such a thing as confiscation, how came it that the property of Wolfred Nelson was destroyed, as well as all the other houses in the village? [*Hear, hear.*] That cheer proved to him that the property of Wolfred Nelson was destroyed because he was opposed to the Government, and not because his house was fortified. He thought that on this point he had proved that the attack of the hon. Baronet on Mr. Roebuck was neither fair nor justifiable, for the dispatches to the Colonial-office fully justified his learned Friend in stating, that a great deal more severity and harshness had been resorted to than was called for in common warfare. It was clear from the dispatches he had quoted that the houses of those not engaged in the war had been destroyed, and that fellow-subjects not in arms had been deprived of their property. If they were anxious to put down this insurrection and secure the peaceful government of the country, the best way to do so was by conciliation, and not by working on the excited feelings of the people of Canada and by the destruction of property. The hon. Member then proceeded as follows: Before entering on the merits of the Bill before us, it is necessary, for the sake of doing justice to all parties concerned, that I should say a few words as to the origin of the present deplorable contest in Lower Canada. Throughout the discussion three causes have been assigned by various parties for the discontent and insurrection of the Canadians. First, the noble Lord and his Friends on this side as on the other side of the House lay much of the blame on the machinations of a few demagogues, who, we are told in one speech, have agitated and disorganised and inflamed to revolutionary madness the whole Canadian population, and who, we are told in another speech, though very anxious to cause confusion, have signally failed in their attempt, being supported by only a very small portion of ignorant and deluded peasantry in one or two districts. Leaving these contradictory statements to be reconciled with each other and with the truth, I proceed to the second alleged cause of the insurrection. The noble Lord solemnly arraigned the House of Assembly, and traced all the mischief to their conduct. I will not detain the House by defending their conduct; that task will, I trust, soon be performed by the man in this country most capable of doing justice to it. But this I must say, that from first to last the Assembly exercised a constitutional right solemnly guaranteed to them by this country. If blame, then, is to be attached to any persons, it should be attached to those who gave to the Assembly a power which was not to be used—who put into the hands of the Canadian representatives a weapon for using which in their own defence you are now about to inflict punishment upon them. The third alleged cause is that insisted on by the Gentlemen opposite, namely, the incompetence, vacillation, and procrastination of the present Ministers. It is not necessary to stop to inquire into the exact proportion of the mischief produced which should be attributed to each of these three causes, nor to weigh nicely the exact amount of evil which should in strict justice be assigned to each, nor even whether one or even two of them exist merely in the imagination of those who propound them: but there is a fourth cause which I believe to be the real cause and origin of all the discontent, and of the consequent disturbances, and that is, the Tory misgovernment of the colony during more than twenty years. In order to prove which I am the more anxious to remark on this period of the misgovernment of Canada, in consequence of the praise bestowed by my hon. Friend, the Member for London, and by my hon. Friend, the Member for Kilkenny, on the liberal dispatches and the liberal intentions of Sir George Murray and Lord Aberdeen. It is very true that their dispatches contain an expression of liberal sentiments, and hold out a hope that liberal measures will be adopted; but, unfortunately for the Canadians, these liberal views were never acted on, were never carried into effect; they had their beginning and their ending in the dispatches; and for all the good which they conferred on the Canadians they might as well never have been written, or rather, it would have been better if they had not been written, for they tended to raise expectations which were cruelly disappointed, and thereby added to the suspicion and bad feeling already existing in the province. This assertion is well founded. I refer to the debates which took place on the subject of Canada in the years 1828, 1829, and 1830. I find Sir J. Mackintosh, Mr. Labouchere, Mr. Stanley (the noble Lord, now Member for North Lancashire), Lord Sandon, Lord Howick, Mr. C. Grant (now Colonial Secretary), Lord Althorp, Mr. Evelyn Denison, Lord Milton, and Mr. Stuart Wortley, all complaining of the misgovernment of Canada, and most of them strongly condemning the Legislative Council, both for its composition and conduct. As I know how disagreeable it is to the House to hear extracts from former debates, I will not trouble you with them now. I would also refer Members who are not aware of the facts to the evidence given by Mr. E. Ellice before the Committee of 1828. They will find him speaking of "a long course of mismanagement and a constant attempt to reconcile contradictory principles in the administration of affairs in Canada;" "of evils which were not theoretical but practical, and which formed just ground of complaint;" "of taxes levied against the will of the House of Assembly;" "of vexatious dissolutions and prorogations of the Assembly;" "of a perseverance in measures illegal and offensive to the rights and feelings of the people;" "of the French and English population having been almost brought into collision, and a wider separation between them in opinion on all matters of internal government and legislation having been rather encouraged than checked." These and many more grave charges are brought against the Government in his evidence, which is indeed one of the best exposures on record of the misgovernment of Canada by the Tories. From the documents to which I have referred it is evident that the grievances which had been experienced in Canada as early as 1820, which reached this country and excited the attention of some Members of this House, and caused a Committee of Inquiry in 1828, were, though acknowledged, unredressed in 1830—the revenues of the province plundered—its treasury bankrupt—its suitors robbed—the constitutional rights of the people disregarded — one portion of the legislature (that which was nominated by the Crown) allowed by every one to be utterly unfit for the government of the country—the most arbitrary acts perpetrated by the governor. These were the grievances of Tory domination—these were the wrongs of Tory misrule. The long delay of redress and of justice exasperated the feelings of the people of the province, and caused them to view with distrust and suspicion the conduct of the government of this country. This gave rise to the feelings of discontent and disaffection which have since expanded to a fearful extent. This justifies me, I think, in the assertion that the contest which now desolates Canada derived its origin from the long-continued misgovernment by the Tory Ministers of this country. So much for Tory mismanagement. But it may be said as against the Canadians, that when the Whigs came into office they, by the wisdom and prudence of their views, and by the decision with which they carried their views into effect, completely repaired all the errors of their predecessors, and by a course of wise conciliation, united with a firm adherence to the real interests both of England and of Canada, soon settled the differences and removed the rancorous feelings which Tory mismanagement had produced. It has, indeed, been boldly asserted by the friends of the present Government that all the grievances of the Canadians have been redressed. I have a few observations to make as to the conduct of the Whigs, and especially as to their having redressed all the grievances of the Canadians. I must, however, first remark that grievances which in 1820 might easily have been redressed had in 1828 become more complicated, and in 1831 greater concessions were required to compensate for long-continued wrongs. In 1828 the recommendation of the Committee would have been gladly accepted. The noble Lord has himself told us that the Canadians styled it "an imperishable monument of the wisdom and justice of Parliament." It is a pity that it was not carried into effect. In 1831, a greater measure of concession was wished for, as the delay of justice had increased the apprehensions of the people, and caused them to demand greater securities for good government. If, therefore, the demands of the Canadians have gone on increasing, the blame rests not on them, but on those who permitted acknowledged abuses to continue in existence. The conduct of the Tory party had tended to produce in the minds of the more reflecting of our North American subjects a conviction that it was impossible for a mother country to govern wisely and well a powerful and distant colony whose interests were most complicated. Moreover, they began to perceive that, unacquainted as the people of this country must be with those interests, and uninterested likewise as they must feel in the internal concerns of distant dependencies, it was impossible to enforce anything like effective responsibility on the home government of the colonies; and that when responsibility was wanting the experience of all ages proved that abuses would exist, and though acknowledged remain unredressed; and of the truth of these positions they had a grievous practical proof in the violence of Sir James Craig, in the arbitrary conduct of Lord Dalhousie, and in the policy of the Colonial-office during a long series of years. With these feelings, the Canadians increased their demands for local powers, convinced that the only chance of good government consisted in the greatest amount of self-government, and in the greatest amount of independence of this country which was consistent with the supremacy of Great Britain; for as yet they had no desire to shake off our yoke. It must be allowed, therefore, that the position of the Whigs, when they came into power was a far more difficult one than that of their predecessors at the commencement, or at any other period of the dispute. But I ask, have they in any way shown themselves equal to the task, or even attempted to overcome the difficulties of their position? Have they even accomplished the recommendation of the Committee of 1828? I will answer the last question in the words of their own Commissioners, who made a report in 1837. The great grievance, and the one which originated many other grievances, was the composition and conduct and political character of the Legislative Council. This body had been condemned, as I have shown, by men of all parties from 1828 to this time, and the Committee of 1828 had recommended a great alteration in its composition. An alteration was, indeed, made in it in 1832 by the judges ceasing to take part in its proceedings and by the addition of thirteen new members unconnected with the Government. How, in the first place, was this alteration, and how were the new appointments, received by the Assembly? Their reception may be gathered from the ninety-two resolutions of 1834, and particularly from the twenty-fourth, which says, "Such of the recently appointed councillors as were taken from the majority of the Assembly, and had entertained the hope that a sufficient number of independent men, holding opinions in unison with those of the majority of the people and of their representatives, would be associated with them, must now feel that they are overwhelmed by a majority hostile to the country." It was the political character of the Legislative Council which induced it to oppose the Assembly, to reject all measures even for education and annual supply voted by the Assembly. It was the political character which caused the chief part of its evil, and which required above all an alteration. But your own Commissioners tell you that object was not effected in 1837, though recommended in 1828. The fact is, that in altering the Legislative Council, you kept the word of promise to the ear, and broke it to the sense; and after your alteration the Legislative Council was as hostile to the Assembly, and as great an obstacle to all useful and even necessary legislation, as when denounced by Mr. Labouchere in 1828, or by Lord Sandon in 1830. But have the Whigs shown themselves equal to the difficult task of arranging the disputes and smoothing the asperities caused by the long misgovernment of their predecessors? To that question, there is a sad but a significant answer—Canada has revolted. The Whigs have done positively nothing to overcome the many and great obstacles that stood in the way of a peaceable settlement of Canadian differences. They promised much—they talked of infusing a liberal spirit into the Legislative Council—they sent out a commission to inquire into grievances which were notorious, instead of sending out a governor with power to redress them, and to conciliate the people. It seems that the Whig Ministers were afraid of facing the difficulty, and of acting on their own often-avowed principles of Government; the commission afforded them delay, and a breathing time; and when this Whig commission made its report last year what information not already common to every man who had looked at the subject did it afford? What measure of conciliation, what remedy for acknowledged evils, did it suggest? The Canadians asked for redress of grievances, many of which the Commission acknowledged in the report, but its pity was for the unpaid officials, not for the insulted people; and its chief recommendation was, that the constitutional rights of the House of Assembly should be violated by a seizure of the revenues, in direct opposition to the Assembly's vote. The Whig Ministers acted on this report, and proposed their coercive resolutions. What followed is of recent occurrence, and is well known. The resolutions were denounced by the Assembly, the people supported their representatives, meetings were held, strong language was used against the Government, measures for embarrassing it were adopted. Then came official reprisals; militia officers and magistrates were dismissed; and, lastly, some persons were arrested, and many more marked out for arrest. Some of those arrested were rescued by the peasantry; and to prevent the arrest of others the peasantry assembled to protect them against force. This led to the skirmish at St. John's, and to the disastrous affairs at St. Denis and St. Charles. The revolt was not premeditated and organised; it was an outbreak of the peasantry to defend their leaders. It may be right here to explain the state of the law in Lower Canada, in order to show why the peasantry were so determined, and perhaps imprudent in their defence of persons marked for arrest. The judges are appointed during pleasure, not during good behaviour. They are responsible to the Crown only, and not to the Assembly; and they had recently received from the Crown that salary which they conside ed the Assembly had unjustly and vexatiously kept from them. The sheriffs are likewise appointed and paid by the Crown, and belong to the ascendancy faction, which is in bitter feud against the Assembly. The sheriffs have really the power of selecting what jury they please. The persons to be tried by such a tribunal were the very persons most obnoxious to both judge and sheriff, being members or friends of the Assembly. The prosecutor (that is the Crown or the executive) appointed and paid the judge and sheriff, and was in direct opposition if not in open hostility, with the prisoner, who had, moreover, sought to make the judge and sheriff responsible to the Assembly, and had kept back their salaries for three years. What chance of justice had the prisoner? What hope of ever leaving his prison but by the scaffold? The people saw the danger, and they determined that their chiefs and best friends should not thus be put away by judicial murder: they rose to defend them—collision took place between the Queen's troops and the Queen's Canadian subjects—the country was in a state of insurrection, and martial law was proclaimed. Such is the result of twenty years of Tory misgovernment and of seven years of Whig indecision. During this long period there were many occasions on which the differences might have been settled for some time, if not permanently; but the opportunities were (if seen) neglected, and the question for us now to consider is, how we can extricate ourselves from the difficulties in which we have been involved by official mismanagement, and by the national indifference to distant colonial affairs. There are evidently but three courses open to us—coercion, conciliation, and separation. Now, I object to the present bill, because it begins with a measure of coercion, which will, I fear, render future conciliation difficult, if not impossible. It is a bill of pains and penalties against a whole people; and what reasons are given to excuse or to justify the introduction of a measure which is styled even by the right hon. Baronet opposite "an act of despotism"? That the present constitution cannot be maintained "without serious detriment to the interests of the province," and that it has been virtually abrogated by a revolt. The cause of obstruction to the beneficial working of the constitution was the legislative council. It never harmonised with the Assembly, nor with the people; it was condemned by men of all parties in this House. The blame, then, rests with the Government, which having the power to improve the legislative council would not exercise it, and not with the Assembly, whom you seek by this bill to punish for having exercised a constitutional right. As to the constitution being virtually abrogated by the revolt, it was not the revolt, but your eighth resolution of last year, which destroyed the Canadian constitution. But there has been a revolt; and therefore, you say, the people must be punished by a suspension of their constitution. Now, the revolt was either partial or general. If, as you say yourselves, and as it at present appears, it was only partial, it is surely unjust to visit the offence of a few factious demagogues and a few deluded peasants, in one or two districts, on the whole Canadian population; and if the revolt or the discontent which preceded it be general, then it is evident that an arbitrary measure like this "act of despotism" will tend only to add intensity and bitterness to the feelings of hostility already unhappily existing. In either case the bill is a gross violation, not, I think, justified by the tyrant's plea of necessity, of a solemn compact; and it will, I fear, cause our other colonies to lose that confidence—that "unsuspecting confidence"—in our justice and our good faith which alone enable us to keep them without force and military occupation. After having suspended the present constitution, you reject, I am glad to see, the idea of governing Canada by the sword, and propose to govern it permanently on constitutional principles; but even supposing that the new constitution is as good as the present, and as acceptable to the people generally, what guarantee have the Canadians that the new constitution will be more respected than the constitution of 1791, which you violated last year, and which you now propose to destroy? That is a really good and free constitution; it will never clash with the Colonial-office; for it is utterly impossible for two things so diametrically opposed as good local government in a colony and the present colonial system should long go on harmoniously together; and if the new constitution be not as free at least as that of 91, there will soon be deeper and more extended discontent in the province than at present. What is the avowed object of the present bill, and of your whole policy towards Canada? Not merely to put down revolt and settle differences, but chiefly to protect the British settlers in our North American provinces generally, and in Lower Canada especially. Now, a suspension of the constitution, and a temporary military occupation—for it seems that a large body of troops is to be sent to Canada in the spring to support this "act of despotism"—will injure the British settlers in Lower Canada infinitely more than their opponents would ever injure them. The mere fact of the suspension of the constitution and of the enforcing of arbitrary measures will inevitably very much damage the trade and diminish the amount of emigration, on which the British in Lower Canada chiefly depend for their support and their prosperity. And as a majority of the Canadians will believe that these harsh measures have been advised by them and passed for their exclusive advantage, you will widen the breach and increase the hostile feeling already unhappily existing between the minority and the majority of the population. In support of the course proposed by the noble Lord, blame has been cast and odium heaped on the Canadian people—a bill of indictment has been preferred against the assembly, which has been treated as a criminal, and misrepresented to the House and to the country as a body of factious, unreasonable, faithless men. This is a strange course for a minister to take—to act as a partisan—to state only one side of a question, and in the spirit of a partisan to arraign and condemn in the same speech a constitutional representative assembly. I know not whether the House still considers that the Assembly is a body of false and factious men, and ought to be so treated; but I am certain that calm reflection will convince them that the Assembly has been misrepresented, and that the course adopted towards them was the very worst possible course for a settlement of the dispute. If such bad faith as this be committed, all the colonies of Great Britain which have constitutions will begin to tremble for their rights, will begin to think they hold their constitutions on no better tenure than the Canadians. Appeals are made to British honour to sanction the proposed measures of coercion. I too would appeal to the national honour — I would entreat you to look back to history and to remember who these Canadians are whom we are called upon by ministers in this House to punish by suspending their constitution, and whom we are vehemently urged, in the most ferocious and sanguinary terms, by the London daily press, to put down by hangings in the town, and by burnings and butcherings in the field. Conquered from France, they became our subjects in 1763; only eleven years after they refused the splendid offer of the American Congress to be received on terms of equality into the great republic; they remained faithful to Great Britain throughout the war of independence. From that time till 1812, when the second American war broke out, though misgoverned, and occasionally very ill treated, they were the most loyal and attached of British colonists: again in that war they refused the tempting overtures of the American republic, at a time when the province was almost drained of British troops, and might have fallen an easy prey to the Americans had the French Canadians been hostile to us, or even remained neutral. They rose *en masse* to repel the enemies of England, and by their courage and determination preserved the country to Great Britain. How have they been rewarded? From that time to this their history is one series of complaints unattended to—of wrongs unredressed—of the most oppressive, capricious, and contemptuous misgovernment. So long as they complained merely, and petitioned and used constitutional means for redress of grievances, they were neglected by the Colonial office and unheeded by the people of this country. They were too few in number—too weak—too distant to attract notice and to command attention to their complaints. There was always some excuse at the Colonial-office for not attending to their petitions at the proper times — at the only times, indeed, when prompt attention might have prevented the difficulties which had been accumulating for years, and which are now almost insurmountable. At one time the Canadians are put off because the whole country, and especially the ministers, including the colonial minister, have all their time and attention occupied by the discussion of the Catholic Emancipation Bill; at another time, their business is postponed to more important domestic business caused by the death of George 4th; at another time, England is in a state bordering on revolution at the refusal of the Reform Bill — the Canadians must wait in patience till that storm has blown over and given Ministers time to look to our transatlantic possessions. A sudden change of Ministry in 1834 causes another period of delay, during which the colonists must endure as patiently as they can the evils they complain of—the death of William 4th, the consequent election, and the varied but tumultuous hopes and fears and feelings of the Whig Ministers, and the great pressure of electioneering business, and court business, and other business upon them, afford an excuse for a further neglect of the affairs of Canada. Let any man read the dispatches from the Colonial office, and he will see that this statement is strictly true, and not in the slightest degree exaggerated. There is always some untoward event occurring to prevent proper measures from being taken for redress of acknowledged grievances, and for conciliation at the proper moment. Such is the inevitable effect of legislating at the Colonial-office in Downing-street for the internal affairs and government of a country on the other side of the Atlantic. In the pressure of more important affairs at home, the distant colony is forgotten, neglected, or mismanaged—its affairs are postponed till a more convenient season, which said convenient season has not in the course of twenty years once appeared to the Colonial-office for settling the complicated and difficult affairs of Canada. It really seems that almost the only way by which a distant colony can command attention is by open and armed resistance to the Government. I must here remark on the manner in which this Canadian question has been treated by the London daily press. The Canadians have been grossly calumniated, their assembly misrepresented, and the worst passions of the people of this country have been appealed to in order to excite their bitterest hatred against the Canadians, who are held up as fit objects to be reviled and oppressed because they are of French origin and of the Roman Catholic religion. I grieve that Englishmen — men of talent and of learning — having received a liberal education, and fully aware of the gross injustice they were committing and of the miseries they would inflict on a whole people—should have had recourse to means so utterly base and despicable. As for their attacks on me and others in this House, I freely forgive them. Their attacks are not very terrible, and they think, I suppose, that party-spirit justifies them in slandering and misrepresenting a political opponent. But their attacks on the Canadians do not deserve to be so easily forgiven; for they were cowardly, malignant attacks on the lives and the liberties of the Canadian people. When I see myself and others pointed out to public indignation as traitors to England, I have this consolation, that the men who deprecated the American war were in like manner charged with treason to their country. The public voice has decided in their favour, and so I feel thoroughly convinced it will at no distant period decide for us. For myself, I can only say, that I have acted in this affair to the best of my judgment, with an anxious desire to aid in the settlement of Canadian differences, and, as I conscientiously believed, in the way best calculated to promote the public welfare. There is not a man in this House who would sacrifice more for the honour and prosperity of England than myself. I have as deep an interest in the country as most men in this House; yet I and others are held up as traitors to our country, because we venture to offer an opinion as to the best means of putting down the revolt, the best means of preventing its recurrence, and as to the causes which lead to it. But even in this House my words have been misunderstood or misrepresented. The other night the noble Lord indulged in a sneer against me on account of a question I had put to him, as to the amount of desertion from the British troops in Canada. In all that I said—and it was very little on the subject of desertion — I neither expressed a hope nor even an opinion that desertion would increase; I merely asked a question on the subject and stated a fact which I thought it right to state to the house. The hon. Member for the North Riding of Yorkshir also gravely charged me with being responsible for some violent language used at a meeting at Leeds, because I happened to be invited to attend. The hon. Member knew very well that I was not present, and, it is really too absurd to blame me for language used at a meeting which I did not attend. There are only two more points on which I would say a very few words. I am glad that the Ministers have promised an amnesty. I hope that promise will be fulfilled in a liberal spirit, and that the noble Lord will not allow the British name to be disgraced by an unnecessary exhibition of severity in sanguinary punishments for political offences, I must also say, that it is a fortunate thing for the present Ministers that they had connected with them a man like Lord Durham, with a reputation for liberal opinions, and fortunately for him not committed to the coercive resolutions of last year. If any man of all their party could settle the differences in Canada, and restore peace with good government to that unhappy country, I believe he is the man. But sincerely wishing him success (as I do most heartily, both for his own sake, and, above all, for the sake of Canada and of this country), I think it unwise to send out a coercion Bill like this "act of despotism" to precede him, and a large body of troops to enforce coercion now that the revolt is at an end, as you say—to the very province to which you appoint him as pacificator, and to which you mean shortly to give a constitutional representative government. For this and the other reasons which I have stated, I shall feel it my duty to oppose the Bill. I have but another remark to trouble the House with, which is respecting the amnesty which has been promised, and I am very sorry to hear the noble Lord opposite regret that there should be any idea of giving an amnesty for all political offences in Canada ["No!" from Lord F. Egerton.] I am glad to find that I had mistaken the noble Lord; and I hope that there will be no objection on the part of any one to grant a general amnesty for all the political offences which have occurred in Canada. The noble Lord, however, expressed his sorrow that certain parties in this country were not either prosecuted by the Attorney-General, or otherwise brought under the censure of the Government. I thank the noble Lord for his suggestion, and if I or any of my friends have said, or done, or advised, anything treasonable, by all means let the noble Lord's suggestion be acted upon without delay; but I certainly say, that I am not conscious of having either said, or done, or advised, anything partaking of that character.

Lord *F. Egerton* said, the hon. Gentleman had greatly misapprehended the observations he had made. So far from deprecating anything in the nature of an amnesty, he had expressed an opinion that the present case was one which made an amnesty—always acceptable to the feelings of the people of this country—peculiarly desirable. As to having expressed a sorrow that the hon. Gentleman and his friends were not prosecuted by the Attorney-General, he begged to say he had said nothing of the sort. What he had said was, that it was not for him, as an individual, to take on himself the part of a prosecutor, when Government did not think proper to pass any censure on what had passed elsewhere.

Mr. *E. R. Rice* said, it was a great source of satisfaction to him that the great and extensive powers about to be conferred by the act upon the Governor-General, were not to be irresponsibly exercised, but were only to be called into action under the sanction of her Majesty's Government. The high-minded and patriotic nobleman who had accepted the difficult and delicate task of effecting a reconciliation between this country and the colony, concurred in that sentiment, and went out with the full and clear understanding that he was so to act. He, during the short time he had the honour of having a seat in that House, had often listened with great pleasure, and always with respectful attention, to the observations of the right hon. Baronet, the Member for Tamworth. It was, therefore, with great regret that he had heard from the right hon. Gentleman a threatened opposition to that part of the Bill which gave a principle of representation, and also a declaration that he should have preferred a pure unalloyed, unmitigated character of despotism, to the specious liberality of a constitutional form of Government. He believed, that accompanied with this restriction, the powers sought for by the Bill would be more cheerfully conceded. He hoped that the period during which it would be found necessary to exercise those powers would be of short duration, and that a state of things so injurious to the agricultural and commercial interests of both countries would not long continue to exist. He would, therefore, ask the right hon. Baronet and his friends not to look upon the measure as they would upon a Bill of an ordinary or party character, but arising out of a great question of national justice, and intended to settle a political difficulty caused by extraordinary circumstances. He would ask them to give their best assistance towards the passing of the Bill. The separation of the colonies from this country he would consider as an abandonment of them and of the best interests of the colonies and of the mother country—as an abandonment of the good faith, honour, and protection which ought to be observed towards the British settlers there who relied upon this country for the observance of that good faith and honour. The only other course which could have been taken was obviously that which had been adopted by the Government, namely—the having recourse to strong, prompt, and decisive measures, which, though productive of temporary inconvenience, would ultimately be found the most effectual for this object. It was true, that great, many, and galling abuses had formerly existed in Canada, and that if these had been redressed in time, resistance would have been powerless. He denied, however, that these grievances were sufficient to warrant the leaders of the insurrection in resorting to forcible measures. He trusted that these grievances would be redressed, and that the people of Canada might find that when they applied in a peaceful manner they were more likely to succeed.

Mr. *Pakington* was deeply impressed with the difficulty, as well as the great importance, of the subject under discussion, and nothing but a strong sense of duty could induce him to enter upon it at that moment. He was called upon to give his assent to a Bill, the object of which was the suspension of the constitution of Canada, and the providing a substitute for that constitution; but he would not accede to such a proposition without expressing his earnest and anxious hope —a hope that he had no doubt would be responded to by the country—that in the new arrangement which had been forced upon them they would not be unmindful of the interests of the British settlers in Canada. He might, perhaps, be told that there were no grounds for this wish—that all those parties could require would be conceded to them; but when he regarded the history of Canada for the last few years, and the tone which this debate had taken in the past week, he confessed he could not arrive at any such conclusion. The hon. Baronet, the Under Secretary for the Colonies, in the course of his able and spirited speech the other night, rebuked the hon. Member for Kilkenny for having made it a matter of boast that the Government of Canada had not been conducted on the principles of conciliation, he however doubted not only the efficacy of the conciliation which had been adopted, but the extent to which that conciliation had been carried. Now, he admitted that, speaking abstractedly, conciliation was good, but he thought no man could deny, that conciliation on the part of a Government towards a people became injurious and weak in the exact ratio that it exceeded the great line of impartiality. It was not just towards the rebellious and contumacious, although it was just as regarded the loyal and well-disposed. He believed that the conciliation of Lord Gosford had been carried to this dangerous extent. What were Lord Gosford's acts? Why, one of them was the issuing of warrants for a sum of 19,000*l.* which had been voted by the House of Assembly, without the sanction of the Legislative Council, and for what? Why, for paying the salaries of Mr. Papineau and other parties, at a time, too, when the House of Assembly refused the supplies necessary for carrying on the civil government of the colony. Another of his acts was, the appointment of Mr. Fincher, the mover of the ninety-two resolutions. He was not going too far when he said, that there never was an appointment made which more excited the indignation of one party and the ridicule of the other than this. The effect of the course pursued by Lord Gosford was happily described in one of his own despatches, when speaking of his regret for the measures he felt it necessary to adopt, and the necessity of these measures Lord Gosford adds, after stating his opinion that a few examples would have a salutary effect, "Especially as it has been part of the policy of the ill-disposed to create an impression that the Government is unwilling or unable to act, and that it may be set at defiance with impunity." He was afraid that this impression was not limited to the disaffected only, but that it also extended to the loyal part of the population of Canada. It was clear, even according to Lord Gosford's own view, that the course he pursued was the result of a mistaken policy, and when such an impression had got abroad, when it inflamed the minds not only of the disaffected, but of the loyal, was it to be wondered that open rebellion should have broken out? He did hope, that under no absurd feelings of liberality would they be induced to depart from doing justice to the British portion of the population, or neglect their interests. Now what was the number of the British residents in the Canadas? This was a point which had not been mentioned even once in the course of the debate, and therefore he felt himself justified in alluding to it. Canada formerly included both the upper and the lower province. They had once been united. At the period of the outbreak at Toronto—an outbreak which was occasioned by the political correspondence of the hon. Member for Kilkenny—he found that there were in the upper province 350,000 inhabitants of British origin, and in the lower province a population of 600,000, 270,000 or one-third of whom were of British and the remainder of French extraction. The British inhabitants of both the provinces, therefore, constituted more than one-half of the whole population, and he was bound to say that a more enlightened, or more respectable, or a more loyal people than they were, never inhabited any colony, or struggled more to prolong the connexion with the mother country. With respect to the grievances of which the Canadians complained, he would not undertake to say that they might not have been suffering under grievances. If, however, the French Canadians laboured under any grievances, he did not hesitate to assert that they either had been removed or were in the course of removal at the moment the outbreak took place. There was in that House a party, or he should rather say a section, small in numbers, it was true, but even smaller still in moral weight and influence in the country, who came forward as the advocates of rebellion. To justify their own course and the conduct of the Canadians this section talked loudly of grievances, and what were they obliged to resort to for this purpose? Why they were driven to the necessity of placing in the head and front of this catalogue of grievances the resolutions brought forward by the Government in the last Session. If there were one proof more conclusive than another that the French Canadians had nothing to complain of, it was the fact that their advocates in and out of that House had been obliged to put these resolutions in the van of all other grievances. Those resolutions were the consequence and not the cause of a rebellion. He did not approve of them, and he thought, in the first place, that they had been too long delayed. He entirely agreed with the noble Lord, the Member for North Lancashire, that they were inadequate in themselves, and ought to have been followed up by legislative measures. This was his opinion, but still he did not think they justified the course which had been adopted by the Canadians. There was no more sense or reason in alleging that they had caused the rebellion than there would be in asserting that it had been occasioned by the guns which had been fired at St. Denis or St. Charles. While he denied, that the French Canadians had any grounds for well-founded complaint, he must admit that the British portion of the population of the colony had both grave and substantive grievances of which to complain. The divisions of the country after 1791 had deprived the British of that share of the representation to which they were entitled, and they were greatly annoyed by the tax upon their exports to the British islands. These were matters which would now, he trusted be fully considered. There was one other grievance of which they complained—a grievance of wide-spreading and pressing operation—to which he hoped her Majesty's Government would allow him to call their attention. He meant the refusal of the Minister of the Crown to renew the allowance for the support of the bishopric of Quebec. He trusted that the refusal was not actual, but only amounted to hesitation, as he considered it of the last importance that the bishopric should be kept up. This bishopric was established after 1791, and a handsome allowance was made by the Government to keep it up; but it would appear by a tract published by the Society for the Propagation of the gospel in foreign parts, that—

> "The allowance enjoyed by the Bishop is to be extinguished with his own life; and his strength having become unequal to the charge which lies upon him, an arrangement has been patched up—(for, in truth, I can hardly express it otherwise)—for the exigency, by which I have myself been consecrated as Bishop of Montreal, and am to divide with him the labours of his diocese, with the prospect, in the event of my surviving him, of assuming the episcopal superintendence of both provinces, without any addition to the emoluments attached to the offices which I held before my consecration, and which, as a matter of necessity, I still retain. The diminished efficiency of a Bishop thus situated, in a diocese of such an extent, and of such a description, as that of Quebec, is too apparent to require being pointed out: but more gloomy still is the perspective beyond, for after the few remaining years of my natural life, even the inadequate expedient above described will be at an end, and no means whatever will exist for maintaining Protestant Episcopacy in the Canadas. I am ignorant of any resource to which we can look for the accomplishment of this object, or for the support of an effective ministry, if we are deprived of succour from home, and despoiled of the reserved lands."

He held in his hand a private letter which had been addressed by the Bishop of Montreal, and as he thought it highly important in relation to this part of the subject, he would, with the leave of the House, read an extract from it:—

> "I have written to Lord Glenelg to state that, as matters actually stand, I must continue to administer the diocese as Bishop of Montreal, although I have the promise from his Lordship of succeeding to the see of Quebec, since I cannot pay the fees for my appointment till some emoluments shall be attached to it. The exigencies of the Church induced me to close with the arrangements under which I was consecrated as Bishop of Montreal, and I cannot repent having done so, for the most distressing inconveniences would already have been felt in the diocese had I not been invested with Episcopal powers. But, if nothing should be done to endow the see of Quebec, and the project should fail of erecting a new diocese in Upper Canada, it will be perfectly impossible for me, with my present means, to do any tolerable justice to the whole charge; and I fear sometimes that I shall be compelled to confine my visitations to the Lower Province. The Board may judge how an income of 890*l.* a-year, out of which house-rent is to be paid, can support the station of a Bishop of the Church of England at the seat of the General Government of British North America."

He submitted to the House, after the documents which he had read, whether he was not justified in calling the attention of the Government to this important subject, and he could state to them that if ever there was a Protestant Episcopal Church which was useful in active service, it was the Protestant Church existing in Canada. In Upper Canada alone there were 200,000 persons belonging to the Church of England, and as this was the case, he hoped the noble Lord would not leave the clergy without adequate remuneration. With regard to religious instruction, that was a topic on which he did not wish to enter at present; but he could not help saying now that they were about to remodel the constitution of Canada, that measures ought to be taken to provide the Protestant population of that colony with sufficient means of religious instruction. In 1791 both the civil and the religious interests of the Canadian people were considered by the Crown and by Parliament, and he hoped that this object would not now be lost sight of. Of the endowments of the Catholic Clergy of Canada he did not complain, but he thought he had a right to call on her Majesty's Government to do as their predecessors had done—not to refuse, but to grant this allowance for maintaining the Bishopric of Quebec. They should recollect that thousands were going out every day from this country to settle in Canada —not outcasts—not the refuse of the land; but officers in the army and the navy, the younger branches of the gentry and the farmer, the yeomen, the labourer, and the artisan. Multitudes of such classes were annually crossing the Atlantic, and they were all migrating under the expectation of receiving British protection, and living, if not according to the latter, at least under the spirit of the British Constitution. These persons, for the most part, belonged to the Established Church, and the Government were, therefore, bound to perform towards them the parental duty of providing them with the means of religious instruction. He thanked the House for the patient and attentive hearing which they had given him, and said that with regard to the measure under consideration he meant to give his support to what he must call the "tardy vigour" of the Government. He was satisfied that it was the feeble and temporising conduct of the Government that had led to the present evils, and he believed that if Lord Aberdeen had remained at the Colonial-office, or if the vigorous mind of the noble Lord the Member for North Lancashire, had continued there, that this unhappy rebellion never would have broken out. He should support the measures of the Ministers, not because he had any confidence in the Government, but because he was anxious to support the Queen against her revolted subjects. He considered the Government answerable for all that had taken place, and all the blood which had been spilled, and he thought they ought to be held deeply responsible for their conduct.

Debate adjourned.

HOUSE OF LORDS,

Tuesday, January 23, 1838.

MINUTES.] Bill. Read a third time:—Duchess of Kent's Annuity.—Read a first time:—Bishopric of Sodor and Man continuation.

Petitions presented. By Lord BROUGHAM, from Broughton, for the termination of the Slave Apprenticeship system.

NEGRO EMANCIPATION.] Lord *Brougham* presented a petition agreed to at a most numerous and respectable meeting of the inhabitants of Birmingham, presided over by the High Bailiff, and signed by the Chairman. The petition stated, that great evils had arisen from the non-performance on the part of the Colonial Legislatures of the conditions imposed upon them by the Act granting to them compensation in respect of the apprenticeship and emancipation of the negro slaves, and it complained of great neglect on the part of those who had already received the sum of eighteen and a half millions; and who were in the course of receiving the residue of the twenty millions; and the petition prayed that immediate measures would be taken to compel those persons to perform their part of the contract, and to carry into complete effect the understanding upon which the arrangement had been come to by this country. When the petitioners told the House that this large sum of money had been granted to protect the West-India interest against a risk from which they had incurred no detriment, he believed that they spoke what was perfectly consistent with the facts of the case. The value of West-India property had increased, the supply from the mother country to the colonies had increased, and there had been a considerable increase in the number of years' purchase at which land was saleable. He wished to take that opportunity, in stating his concurrence in the prayer of the petition, of correcting a misunderstanding that prevailed respecting a statement which he made previous to the recess. It had been put forth as if he had stated that great exaggeration or misrepresentation had been committed in the statements of those persons who visited the West Indies from purely philanthropic motives, and who had given to the people of this country, at public meetings and otherwise, the result of their observations in the course of their humane and praiseworthy labours. He had never stated any thing of the kind, and he never meant to say any such thing; for, in his opinion, they had been guilty of no misrepresentation or exaggeration whatever in respect of the *laches*, and misconduct of the Colonial Legislatures; but what he did say was this, that it was an exaggeration to say, that the Act, instead of bettering, had rendered worse the condition of the negro slaves; and he gave as an instance, indeed the only one he had particularised, that there was at this moment a very considerable increase in the supplies sent to the West Indies, both as to amount and to quality, and it was undeniable that the comfort of the negroes themselves had increased, though not in that proportion which might have been justly expected. This, to be sure, might be in part attributable to the expenditure of the eighteen and a half millions' compensation; but it was also in great part attributable to the greater industry of the negroes, and to the advantages derived from rendering their labour in some degree productive to themselves.

Petition laid on the table.

HOUSE OF COMMONS,

Tuesday, January 23, 1838.

Minutes.] Bills. Read a first time:—Conacre Tenants (Ireland).

Petitions presented. By Mr. Hutton, from Dublin, against the Fishguard Harbour Bill.—By Mr. Bramston, from parishes in Essex, to rate small Tenements to the Poor-rates.—By Mr. Chalmers, from Montrose, and Sir W. Somerville, from Drogheda, against the Canadian War.—By Captain Gordon, from the county of Aberdeen, for an alteration in the regulations as to Private Bills.

Private Bills.] Mr. *P. Thomson* rose, in conformity with the notice which he had given, to move certain resolutions which had for their object to give effect to the decision of the Committee which sat on private business last year. Their object was, that a breviate of a Private Bill should be laid on the table of the House in a printed form, and that a certain time should be allowed between the printing and the second reading of the bill. He should move first, then, "That no Private Bill be read a second time until six days after a breviate thereof shall have been laid on the table of the House, and have been printed." He should then proceed to state in the resolution what such breviate should contain; namely, "a statement of the object of the bill, a summary of the proposed enactments, and any variation from the general law which shall be effected by the bill." The Committee had come to the recommendations which he had stated by reason of the extreme inconvenience which arose from private bills being smuggled through the second reading, without the House being generally or at all informed of the contents of such bills. It was true, that the House, after any private bill being reported of a character to attract discussion, might become acquainted with its contents; but at the same time he heard constantly this argument raised, after a bill containing many objectionable clauses, had passed through the Committee, but was opposed on bringing up the report, "If you objected to the principle of this bill, why did you not stop it at the second reading? And are you not now inflicting great nardship on parties, by rejecting this bill, after you compelled them to go through the expense and inconvenience of a Committee?" There was, besides, a particular class of bills of very great importance, with respect to the principle of which it was material that the House should be perfectly well acquainted before the second reading, because it frequently happened that these private bills were of a character to affect the public interest, and yet did not meet with any opposition from private interests in Committee. The consequence was, that after such a private bill came out of Committee, or was smuggled through, or (not to use a harsh phrase) passed without having attention called to it on the second reading, it passed also on the report without any observation, and an act of great public injustice was thus inflicted. He had had occasion, with reference to more than one bill, to point out the extreme inconvenience to which the present practice gave rise; and he felt convinced that he could not quote a stronger instance than the Fishguard Bill of last Session presented, either as the circumstances appeared from his statement, or as they came within the knowledge of the parties interested in that measure. It had been suggested by many Gentlemen who took an interest in this subject that we ought to do something more than was proposed with regard to furnishing a breviate on the second reading, and that after the bill passed through Committee, and on the motion that the report should be received, another breviate should be made out, in order that the House might know whether any important changes were introduced in Committee. To that proposition he was very much inclined to assent, because a practice had arisen of introducing private bills in the most careless possible form, the parties trusting to any alteration that might take place in the Committee; and, under these circumstances, a breviate before the second reading would not answer the whole purpose which was in view. But he did not think it advisable at that stage of the proceeding to pass a resolution to that effect. His third resolution was for the purpose of asking the Speaker "to give such directions as shall seem to him best for carrying into effect the above resolutions." He meant to request the Speaker, if he would be good enough to do so, to make such arrangements as to ensure that a breviate should not be, as now, a mere abstract of the marginal notes of the private bill, containing little or no information, but that it should really contain an account of the object for which it professed to provide, and above all a statement showing how the general law of the country was proposed to be altered by a private bill at the suit of individuals. The form, therefore, of the breviate would require to be well considered. He was also well aware that great care and attention would be required in the preparation of bills, and that the most intelligent persons should be employed for that purpose; but these were the details of arrangement in a plan for the execution of which the House reposed perfect confidence in the Speaker, being satisfied that, as he consented to give his attention to the subject, he would do all he could to ensure that the object which the House had in view should be carried out by the persons employed on this business. It was impossible that Gentlemen who had attended to the private business of the House should omit to notice the great care and attention which the Speaker paid to this part of their proceedings, or to say how very much all the Members interested in this business stood indebted to him for that care and attention. When he alluded, however, to such Members, he did not mean that they were the only parties who owed a debt of gratitude to the Speaker for the manner in which he discharged his duties in this respect; more than that, the House itself was deeply indebted to him. Nothing was more important to the dignity and honour of the House than that the very important part of its proceedings, the private business, should be conducted in a proper and orderly manner. He thought, therefore, that the best way to attain the object which they had in view was to authorise the Speaker to make such arrangements as he thought necessary.

Mr. *Hume* expressed his desire to know who was to draw the Bill, and who to examine it, because he feared that the present proposition would only give additional machinery in the conduct of the private business, without making it at all more clear. He was quite satisfied, that the evils which existed in the present system would be removed by having two, three, or five persons held responsible for the preparation of private bills, and that such measures should not be submitted to the superintendence of 120 Members, who attended at different times, and were, therefore, obliged to depend on some clerk or lawyer for information. Was the Speaker to examine all bills to see whether the breviate was a faithful one? For his part, he thought the second breviate more important than the first. He thought, if Committees were limited to a small number of responsible persons, their proceedings would be much more creditable to the House than those which now took place.

Mr. *Aglionby* begged to call the attention of the House to the evidence taken before a Committee which sat two Sessions ago, of which he was chairman, not as to public or private acts, but as to the wording of Acts of Parliament. He then understood the noble Lord, the Secretary of State to say, that though he did not wish, at that time, to originate a measure which would give a commission or a single officer the power of preparing Acts of Parliament, yet he would give the matter his best consideration. He was somewhat disappointed, that the noble Lord had not brought forward a measure on this subject. It was not his intention to oppose the resolutions, which he considered valuable so far as they went.

Sir *R. Peel* did not make the slightest objection to the trial of the experiment which was proposed. He presumed, that it was intended that a particular officer whose especial duty it should be to prepare a breviate should be appointed, and that it should not be left to the parties who were the authors of the private Bill. He presumed, also, that the officer selected would be a man of experience and high character. But, at the same time, that he felt perfectly confident that the instructions which such an officer would receive would be such as from the experience and knowledge of the Speaker might be expected, and also that the officer would be himself unexceptionable in point of character. He could not, however, conceal that the task which was imposed on the Speaker was a very difficult one. He was afraid that in giving a short and clear breviate which would afford an insight into the provisions of the Bill, the mischief which now frequently resulted from singled expressions being used and the force of which was not discovered until the measure came into operation, however cognizant of their effect the promoters of these bills might be, would not be effectually avoided.

Lord *G. Somerset* thought, that the breviate, if introduced on the report, would be a better safeguard against objectionable provisions than if it were limited to the second reading.

Mr. *S. Lefevre* said, that every one acquainted with the manner of conducting the private business in that House must be aware that exaggerated statements were often put into Members' hands by the promoters of private bills. But a breviate, drawn up by an experienced officer, would at once inform the House of the nature and character of the proposed measure. He felt that they had cast great responsibility on the officer who was to prepare this document, and who ought to be a man of great experience and skill; but when he knew the matter was placed in the hands of the Speaker he felt perfectly satisfied.

Mr. *P. Thomson*, in explanation, stated that he meant to propose the second breviate as soon as arrangements were made for the plan which he had now submitted.

Resolutions agreed to.

The *Speaker* said: As the House has imposed on me a heavy and responsible duty, I think it right they should clearly understand the view I take of the question. If a breviate, such as that expressed in the resolutions, were to be proposed, pointing out any change which private bills might effect in the general law of the country, it was obvious that no such instrument could be introduced, unless it was proposed by a responsible person, and one well versed in the law. It appears to me, that in carrying into effect this experiment, which is in entire accordance with my own opinion, there will be great difficulty in getting a person qualified for the duty, because a qualified person will be loath to undertake it for one Session. All I can say is, that having stated the obstacle which appears to me to be in the way of giving effect to these resolutions, I shall contribute whatever services are in my power to meet the wishes of the House.

CANADA.—ADJOURNED DEBATE.] The Order of the Day for resuming the adjourned debate on the Canada Government Bill having been read,

Sir *W. Molesworth* said, although he felt it his duty to vote against the further progress of the Bill then under the consideration of the House, because it would suspend the constitution of a free people, yet he offered no objection to what he understood was the most important feature of the Ministerial measure, namely, that there shall be sent to Canada a person in whom confidence could be placed; whose duty it would be to administer the affairs of the province, and to reduce the people to contented allegiance. It was both a dangerous and a delicate thing to express a decided opinion as to the fitness of any individual for so difficult a task as that of Governor of this insurgent province. He did not, however, hesitate to state his humble, though decided, approbation of the choice of her Majesty's Ministers. If there were a nobleman in this country for energy, decision of character, manly and liberal sentiments, better fitted than another for so arduous a task, that nobleman was the Earl of Durham. Reluctant as he was to pin his faith on any individual, still he felt confident that Lord Durham, if left to the unfettered exercise of his judgment, would accomplish the object of his mission. Understanding, as he did, that the purposes for which Lord Durham was deputed to Canada were to restore peace and tranquillity, to recal the revolted subjects of the empire to their allegiance, to enforce in every quarter the majesty of the laws, to sustain the honour and dignity of this country—best sustained by acts of grace and mercy; and, lastly, to devise along with the delegates of the people what form of free constitution would be best suited to the province, and in what respect the existing institutions of the country ought to be changed—these undoubtedly were most onerous duties, requiring for their performance the soundest judgment and discretion, and every requisite power should in justice be given to the Governor who took upon himself so weighty a responsibility. At the same time, for the exercise of his delegated authority, the Governor should be most strictly responsible. He alone should be made answerable for every act done or omitted; all responsibility should be concentrated upon his single head; and the noble Lord should be made to feel that, though he alone would merit all the praise of success, he must equally bear all the odium, blame, and deep discredit of failure. If successful, he would render the most valuable and enduring services to his country, and acquire the greatest political renown; but failure would make the state of affairs in Lower Canada still more complicated, and still more disastrous, and failure would be accompanied by the utter destruction of the political character of the nobleman from whom so much was expected, and to whom so much was intrusted. Every requisite power should, therefore, be granted to him, but he should also be made strictly responsible, and, above all things, unfettered by any specific instructions from the Colonial office; for every impartial person, after a careful perusal of the despatches which had been laid upon the table of the House, must be convinced of the ignorance and incapacity of that office. The necessity of sending Lord Durham on so extraordinary a mission, proved of itself that the head of the Colonial Office had been, and was unable to carry on the administration of the affairs of Canada in the ordinary manner —that he had permitted events to occur which rendered it imperative to place in other hands an extraordinary control over the province. Her Majesty's Ministers had selected the person whom they deemed fittest for the office of Governor-general; it would, therefore, be most absurd to shackle him in any way by the orders of persons who were virtually acknowledged to be less capable than himself. In proportion as Lord Durham was independent of the control of the Colonial Office, or even of her Majesty's Government, in exactly the same ratio would the probability of a successful termination of these affairs increase. This country, in its conduct towards Canada, ought to acknowledge that there were long-standing grievances which should be redressed; that its rulers had been to blame for having so long neglected those wrongs; that it was most sincerely anxious to make every reparation in its power for the negligence of the authorities; and that in earnest of its sincerity it had taken the administration of the affairs of the province out of the hands of the ordinary authorities, and intrusted Lord Durham with plenary power to accomplish its benevolent intentions. The first act of the noble Lord should be one of grace and mercy, an oblivion of all past political offences, a pardon to all political offenders —a general amnesty. He (Sir W. Molesworth) hailed with joy, the mention made by the noble Lord, the Member for Stroud, of an amnesty. He could not but observe that the only person who objected to that wise and humane—the only person who thirsted after slaughter and called aloud for blood was the representative of all the learning and the small modicum of Christian charity to be found in the University of Oxford, The only means by which the revolted subjects of her Majesty could be reduced to a state of contented allegiance, were by a redress of the grievances of which the House of Assembly had so long, so justly, and so consistently complained, and such an alteration in the constitution of the province as would prevent the recurrence of similar abuses. The noble Lord, the Member for Stroud (Lord J. Russell) the other night arraigned the conduct of the House of Assembly. Last night that body was most ably defended by their agent, his friend, Mr. Roebuck. He contended that, in the disputes between the colony and the mother country, not the House of Assembly but the Colonial Ministers of the Crown were the persons to blame. He had heard both sides, the arraigner and the arraigned, the accuser and the defender, and it was for the House, as a tribunal, to decide who was in the wrong. That a once most loyal colony should have suddenly burst forth into rebellion, was a matter for grave and serious inquiry, as it proved that blame attached somewhere, and the people of England had a right to know who had been chiefly culpable, and who ought to be held up to public indignation. The noble Lord, the Member for South Lancashire, said, that he would not inquire into past events, or as to who were the originators of the present disasters. That was judicious policy on the noble Lord's part. He was wise, for the sake of his party, to evade the question. From a careful and anxious perusal of all the documents, from a strict examination of the Parliamentary folios in which that evidence was contained, he had come to the conclusion, that the Tories had been, to a great extent, the cause of the present disasters; that it was their mischievous policy, continued through a long series of years, which first generated, then aggravated, the grievances of the

Canadians, and produced those feelings of discontent and distrust which rendered conciliation nearly impracticable, and led ultimately to revolt. The right hon. Baronet (Sir R. Peel) had assumed, as an all but acknowledged fact, that the Colonial Government of the Tories was nearly perfect, and that a return of his party to power would be the greatest benefit to the colonies. He admired the dexterity with which that right hon. Baronet made these assumptions, to which some of his (Sir W. Molesworth's) hon. Friends, he was surprised to find, lent the weight of their authority, by greatly magnifying the liberality of the intentions of Sir George Murray and Lord Aberdeen. As far as Sir George Murray was concerned, he was inclined to suspect that those liberal sentiments were only written with the view of being laid upon the table of the House, and printed, as, with ample opportunity, they never gave birth to any liberal actions, and he was induced to believe, that on the much wished for, by hon. Gentlemen opposite, advent of their party to power, the colonial policy of the empire would not be in any way improved—not to say it would be deteriorated. A more loyal people did not exist, nor one more firmly attached to the dominion of this empire, than the inhabitants of the province of Canada. For a long time they did not even sufficiently prize the benefit of free institutions. They looked with indifference upon the possession of electoral rights, and of a representative Assembly. Their boast was, that under the sceptre of England, they enjoyed, without trouble, all the advantages of the government of the United States. They were soon aroused from their political apathy by acts of Tory misrule, and taught to value privileges which they had previously but little cherished. This change of feeling took place under the government of Sir James Craig, about the year 1807, when Lord Castlereagh was Secretary of State for the Colonies. Sir James Craig acted in the most violent manner towards the people of the province, addressed the House of Assembly in the most disrespectful terms, rejected their proposal to defray the civil expenses of the province, twice dissolved the House of Assembly in one year, and, in order to influence the elections, caused the press of a Liberal paper to be seized, and three of the leading Members of the former Assembly to be thrown into gaol on charges of sedition, which were never attempted to be sustained. This insane conduct of the Tory Governor destroyed the influence both of the Administration and of all persons connected with it. Since that period the Government has never been able again to command a majority in the House of Assembly. These events were soon followed by the American war, during the continuance of which the inhabitants of Lower Canada lavished their blood and their treasure in defence of the province, and showed a zeal and a courage in the cause of this country which has been but ill requited. From the conclusion of the war in 1814, down to 1818, little occurred worthy of notice. The dissensions occasioned by Sir James Craig's misgovernment were then renewed, and an attempt was made to impeach some of the Judges for the advice given to the Governor. In the latter year the House of Assembly obtained permission to defray the civil expenditure of the province. In the subsequent year, the disputes about the Supply Bill commenced. When in 1810 the House of Assembly first offered to defray the civil expenditure, that expenditure did not exceed 40,000*l.* per annum; in 1817, it had reached 60,000*l.*; and in 1819, the Assembly was called upon for an additional 16,000*l.* The House of Assembly became alarmed; they found that in proportion as the custom revenues of the province had increased, the civil expenditure likewise increased. The House of Assembly in consequence narrowly scrutinised the expenditure, struck off several useless expenses, and passed a Supply Bill by items, which was rejected by the Legislative Council. With this act of the Legislative Council commenced the financial disputes of the province, which are still undetermined. From the year 1820, to the year 1828, was the disastrous and disgraceful government of Lord Dalhousie; during seven years of that period, Lord Bathurst was the Colonial Secretary. Mr. Huskisson was Colonial Secretary only for a very short time. During that period it might be seen what in reality was the conduct of a Tory Government in the colonies when not under the immediate influence of the force of public opinion; and what acts of injustice they could then perpetrate. In 1822 a Bill was suddenly introduced for the purpose of uniting the two provinces of Upper and Lower Canada, without any information whatever being given to the people of the two provinces. This act of gross injustice was fortunately delayed by the efforts of the hon. Member for Kilkenny, (Mr.

Hume) and Sir James Mackintosh, until information of the intentions of the Government was conveyed to the provinces. Public meetings were then held for the first time in every part of Lower Canada, and the strongest indignation and opposition to the measure was expressed by the inhabitants of both provinces, more especially by those of Lower Canada, and, in consequence of the universal feeling on this subject, the Bill was never again introduced. In the same year the Canada Trade Act was passed, which rendered permanent certain temporary taxes, which had been granted by the House of Assembly, in order to defray the expenses of the American war. This was most unconstitutional, and in direct violation of the Act of 1791. The same Act, and the Canada Tenures Act of 1825, interfered with the whole tenure of private property in the province, and altered to a great extent the law of real property. At the close of 1823, the Receiver General failed for 96,000*l.* of the public money — about a year and a half of the civil expenditure of the province. "It appears," says the Committee of 1828, "that no acquittal could be traced from the Treasury of a later date than the year 1814. It appears likewise that the fact of the Receiver General's insolvency was known to the Governor a considerable time before he was suspended, and the Governor even lent him 20,000*l.* out of the army chest." Such was the manner in which hon. Gentlemen opposite administered the pecuniary affairs of the province. No securities had been taken in the province for the Receiver General. About the same time two sheriffs failed, in whose hands were the monies of the poor suitors. One failed for 37,000*l.*, and another for a less sum; it appeared, likewise, no securities had been taken for them. During the whole period, from 1820 to 1828, only two Supply Bills were passed by the Legislative Council on account of the disputes between the House of Assembly and the Colonial Office, with regard to the civil list, and with regard to the claim of the House of Assembly to appropriate the revenues raised under an Act of 1774. The Legislative Council proved themselves, by their conduct with regard to the Supply Bills, to be (to use the words applied to them by the hon. Member for North Lancashire) the mere tools of the local Government. At one time, at the wish of one Government, they accepted the same description of Supply Bill which they rejected at another time at the bidding of the Colonial Office. But the Government, undoubtedly with the sanction of the Colonial Office, did not hesitate to seize, without authority, the monies in the public chest. The Committee of 1828 says, "that the local Government has thought it necessary, through a long series of years, to have recourse to a measure (which nothing but the most extreme necessity could justify), of annually appropriating by its own authority large sums of the money of the province, amounting to no less than 140,000*l.*, without the consent of the representatives of the people under whose control the appropriation of these sums is placed by the Constitution. Your Committee cannot but express their deep regret that such a state of things should have been allowed to exist for so many years in a British colony without any communication or reference having been made to Parliament on the subject." The Committee likewise state other grave allegations against the administration of Lord Dalhousie: of the dismissal of many militia officers for the constitutional exercise of their rights; of the sudden and extensive remodelling of the Commission of the Peace, to serve political purposes; of a vexatious system of prosecutions for libel at the instance of the Attorney General, and of the harsh and unconstitutional spirit in which these prosecutions have been conducted. Such, according to a Committee of the House of Commons, appointed on the motion of Mr. Huskisson, was the mode in which the Tories governed the country for no less a period than eight years. The petition complaining of these grievances, signed by no less than 87,000 persons was presented to the House of Commons. In consequence of the report of that Committee, Lord Dalhousie was recalled from Canada, and his illegal, almost iniquitous conduct was recompensed by a high military command in India. In the same year Sir G. Murray came into power and wrote that despatch which his (Sir W. Molesworth's) hon. Friends had so praised for liberality of sentiment, without taking the trouble of examining whether it gave birth to any liberal acts. He did nothing. Few colonial ministers were ever placed in a more favourable position; he might have rendered the greatest service to his country, and averted the difficulties under which this country was now labouring with regard to Canada. In short, he might have merited all the praise bestowed upon him. The House of Assembly had expressed almost extravagant admiration of the report of the Committee of 1828—all that was then required was to follow out the intentions of the Committee, by passing an Act of the Imperial Parliament to relieve the Lords of the Treasury from the duty of appropriating the revenues raised under the Act of 1774, no one could doubt that all those unhappy dissensions about a permanent civil list, and about the independence of the Judges, would then have been easily settled. 1828, 1829, 1830 passed away— nothing was done by Sir George Murray. The excuse was, the debates in Parliament on the Catholic Emancipation, the death of the king, and other events prevented him from introducing the measures required. These excuses, if well founded, were the best practical illustration of the difficulty, if not impossibility, of governing, with anything like the semblance of justice, a colony removed three thousand miles from the seat of government. But the excuse was an absurd one; for hon. Gentlemen were aware how easily Colonial Bills were hurried through that House, and the Act required would have consisted only of a few lines and a single clause. Indeed, a similar Act was passed in 1831, during the disputes on the Reform Bill. To the non-passing in time of the Act in question he attributed the present disasters; and for those disasters he contended, therefore, that Sir G. Murray and his friends opposite were in a great degree responsible. The House of Assembly on the one hand, the Colonial Office on the other, maintained each its right to control the revenues raised under the Act of 1774. Supply Bills were passed by the House of Assembly, in which the claims of the Assembly were indirectly maintained. They were protested against, but accepted by Sir James Kempt, who acted, he acknowledged, in the most liberal and conciliatory manner, though it appeared from the dispatches of Sir G. Murray that his conduct hardly met with the approbation of the Colonial-office. The hon. Baronet, the Member for Devonport, said that all the financial claims of the House of Assembly had been granted. So they were. That proved they were just claims. But when was justice done? The claims were made in 1794; a portion of them were conceded in 1831, and the rest in 1836; forty-two years' delay of justice! If, however, tardy justice had been done in 1828, that would have sufficed; but nothing was done. In consequence of the delay to which he had referred angry disputes continued, producing great and unnecessary irritation. The expectations of the people of the province had been greatly excited by the report of the Committee of 1828. Those expectations were disappointed. Deep-seated distrust had succeeded to confidence, and when Lord Grey's administration came into power they had to contend with the evil effects of more than twenty years of Tory misgovernment and tyranny. Their task was a most difficult one, and he would not even take it upon himself to assert that, with the then state of feeling of the inhabitants of Lower Canada, it would have been possible finally to settle the existing difficulties, without pursuing a course of policy which none but men of superior and energetic minds would have dared to attempt, and which, perhaps, at first would have found but few supporters. With the removal of Sir G. Murray from the Colonial-office, the reign of Tory policy in that department of the State did not, however, terminate, and he had no doubt that hon. Gentlemen opposite would gladly acknowledge that Lord Ripon (who then became Colonial Secretary) belonged to their party. Lord Aylmer was made governor of Lower Canada about the same time. Lord Ripon, by the act of the 1st and 2nd of William 4th, surrendered at last to the House of Assembly the revenues raised under the act of 1774. He, however, most unfortunately, determined to retain the casual and territorial revenues, which had hitherto been placed at the disposal of the colonial legislature for general purposes. He retained them, it must be observed, in order to support the Established Church of England. A most unfounded charge had been brought against the House of Assembly with regard to these revenues, namely, that they laid claim to the appropriation of sums of money to which they had no right whatsoever. This charge was refuted last night by Mr. Roebuck by means of quotations from the messages of Lord Dorchester, in 1794, and of Sir James Kempt, in 1828, both of which documents proved that those revenues were generally placed at the disposal of the colonial legislature—indeed in 1799 the House of Assembly made a permanent grant of 5,555*l.* 11*s.* 1*d.* in return for those revenues. The hon. Baronet, the Member for Devonport, denied that the message of Lord Dorchester did place those funds at the disposal of the colony. He (Sir W. Molesworth) contended it did; that the claim of Lord Ripon to apply them to the support of the Church of England was a most unjustifiable one. He would, in proof of this position, refer to the evidence of Lord Aylmer, who, in a dispatch dated January 26, 1832, told Lord Ripon with regard to these revenues:—"Here, then, the Crown and the House of Assembly are still at issue; and I cannot conceal from your Lordship my apprehensions that the latter will never be induced to forego its pretensions, which certainly derive considerable weight from the circumstance of these revenues having hitherto been placed at the disposal of the colonial legislature, for general purposes." Lord Ripon thought proper, however, to divert these revenues from the purposes to which they had heretofore been applied, in order to give 3,000*l.* a-year to the Bishop of Quebec, and to maintain the Established Church of England, to which communion about one-fifth of the Protestants, that is, about one-twenty-fifth of the whole population belonged. After this act, hon. Gentlemen opposite could not for one moment hesitate to acknowledge that Lord Ripon was truly their own colonial secretary. In consequence of the disputes about the casual and territorial revenues, the House of Assembly refused to grant a permanent civil list. In consequence of the conduct of the House of Assembly, the noble Lord, the Member for North Lancashire, brought an accusation against the House of Assembly of a breach of faith. He first made that charge in 1834, he had repeated it almost every year, when he was obliged by Mr. Roebuck to acknowledge that it was utterly unfounded: but so valid was the authority supposed to be upon which that charge rested, being no less than that of a person who had once been colonial secretary, that it obtained the widest circulation, was generally credited; and he found from the newspapers that it was repeated a short time ago by the Fidus Achates of the noble Lord opposite in a speech at Carlisle, wherein he proved to demonstration that he had always been a Tory, and the same charge was repeated in the leading article of the *Morning Chronicle* of to-day. Great was the guilt of him who had made unfounded assertions, and the noble Lord had much to answer for in that respect. He would not enter into an examination of the documents, in order to disprove the accusation against the House of Assembly—the documents were to be found in the evidence laid before the Committee of 1834. The charge was, that the House of Assembly had promised to grant a permanent civil list on the passing of the 1st and 2nd William 4th. Now he would merely observe that in a dispatch dated the 15th of March, 1831, Lord Aylmer informed Lord Ripon that the House of Assembly would not grant a permanent civil list unless the casual and territorial revenues were surrendered. This dispatch was acknowledged by Lord Ripon on the 15th of May, 1831, and it was not till September of the same year that the 1st and 2nd of William 4th was passed; consequently, Lord Ripon was well aware four months at least before this act was passed, that the House of Assembly would not assent to his proposal of a permanent civil list. Connected with these disputes about the territorial revenue and the permanent civil list, was the question of the independence of the judges. The noble Lord, the Member for Stroud, whilst arraigning the other night the conduct of the House of Assembly, complained of their refusing to grant permanent salaries to the judges. It would hardly be believed, after all that had been said on this subject, that the House of Assembly did pass an act granting the permanent salaries required; that the act was thankfully accepted by Lord Aylmer; and that Lord Aylmer most earnestly requested Lord Ripon to accept it; and if Lord Ripon had accepted it, the disputes would have terminated, but Lord Ripon refused the bill for some inconceivable reason. He would produce the proof of these assertions. Lord Aylmer, in his address of the 5th of December, 1831, called the attention of the House of Assembly chiefly to the independence of the judges. He says, in conclusion, after referring to other subjects, "But he is most anxious to see the question of the independence of the judges, and of permanent provision for their salaries, retired allowances, and incidental expenses, finally disposed of by a distinct and substantive enactment, before bringing the other, and comparatively less important, measure, specifically under their consideration." The House would find in the evidence of the Committee of 1834 the Bill passed by the House of Assembly, in compliance with the request of Lord Aylmer. An objection had been urged against that Bill, that the amount of the salary of the judges was not stated, and that they were to be voted annually; but the words of the Bill were—"that from and after the passing of this Act, the salaries which are now annually allowed and paid to the said judges shall be secured to them in a fixed and permanent manner;" and Lord Aylmer fully explained the reason for not mentioning the amount of the judges' salaries in the Bill. He tells Lord Ripon, in a dispatch dated the 26th of January, 1832—"I think it necessary to mention to your Lordship, that in framing my message to the House of Assembly upon the independence of the judges, I conceived it unnecessary to make any specific statement regarding their salaries and retired allowances, for it was well understood beforehand that the Assembly was fully prepared to continue the salaries of the judges upon their present footing, and to make a liberal provision for their retired allowances. The event has justified this expectation." This Bill received the unanimous assent of the Legislative Council, and the following were the terms in which Lord Aylmer spoke of this measure in his address to the House of Assembly and the Legislative Council:—"Amongst the many important measures adopted this session, all of which are more or less calculated to promote the interests of the province, I have (he said) great satisfaction in noticing the Bill for establishing the independence of the judges. I think it necessary, at the same time, to inform you that, although the principle of this Bill coincides altogether with the views of his Majesty's Government, it contains one or two provisions which impose upon me the necessity of reserving it for the signification of his Majesty's pleasure. The passing of the Bill for securing the independence of the judges, may be considered as the first practical effect of the dispatch of Viscount Goderich of the 7th of July." Such were the terms in which Lord Aylmer spoke of this Bill to the House of Assembly; at the same time he wrote to Lord Ripon, entreating him to agree to the measure. He says, in his dispatch of the 26th of January, 1832:—"I take leave, with the utmost submission, to recommend it to the favourable consideration of his Majesty. Once rejected, it is highly probable that no other from the House of Assembly at a future period can be expected upon more favourable terms, or even upon terms equally favourable." Such was the language of Lord Aylmer to Lord Ripon; nevertheless, Lord Ripon rejected the Bill. Who was to blame? The Colonial Minister. There were no other events of any note which occurred during the remainder of Lord Ripon's Colonial Administration, except that in 1832, on account of the Supply Bill being reserved for the consideration of the home authorities, Lord Aylmer thought proper to take, without sufficient authority, a certain portion of the public monies. For this act, however, it must, in justice to Lord Ripon, be stated that Lord Aylmer was severely censured. In the year 1833, Lord Ripon was succeeded by another noble Lord, whom he doubted not the Tories would most readily claim as their own, and be willing to bear the responsibility of his acts. That noble Lord, in his previous office, had not won the affections of the Irish people, nor, on account of his Colonial Administration, did the inhabitants of Lower Canada bear towards him kindlier feelings. In consequence of the conduct of the Legislative Council in rejecting the Supply Bill passed by the Assembly, the House of Assembly became convinced of the impossibility of carrying on the Government in harmony with the other branch of the Legislature. They sent an humble address to his Majesty, praying him to sanction a general assembly of the people, for the purpose of determining what alteration should be made in the constitution of the province. The reply of the noble Lord, in a dispatch which was laid before the House of Assembly, was in a tone better fitted for the angry disputes and contentions of this House than for the reply of a Colonial Minister to the provincial Parliament. And the noble Lord offended the House of Assembly by saying, that, "on the mode proposed, his Majesty is willing to put no harsher construction than that of extreme inconsiderateness; to the object sought to be obtained his Majesty can never be advised to consent, as deeming it inconsistent with the very existence of monarchical institutions." This language to the House of Assembly was extremely inconsiderate, if not deserving of a harsher appellation; the House of Assembly were justly indignant, and in their famous ninety-two resolutions of the succeeding year they denounced the noble Lord in set terms. They said "That it is with astonishment and grief that they have seen in the extract from the dispatches of the Colonial Secretary, communicated to this House by the Governor-in-chief during the present Session, that one at least of the Members of his Majesty's

Government in England entertains towards them feelings of prejudice and animosity, and inclines to favour plans of oppression and revenge ill adapted to change a system of abuses, the continuance of which would altogether discourage the people, extinguish in them the legitimate hope of happiness, which, as British subjects, they entertained." The noble Lord opposite was succeeded by the present Chancellor of the Exchequer, whose only official act was to take 31,000*l.* out of the army chest, to defray the salaries of the unpaid officials of the province. Mr. Roebuck stated, on what authority he knew not, or how trustworthy, probably it was upon the word of the Chancellor of the Exchequer himself, that a dispatch was written which would have settled all the difficulties in Lower Canada, but, unfortunately, the very day it was to have been sent off the Melbourne Administration were dismissed, and no one knew what became of the dispatch. The right hon. Gentleman was succeeded by Lord Aberdeen, who, likewise, according to some, wrote a most admirable dispatch, which likewise produced no effect. Up to this period the Tories, and the Tories alone, with the exception of Mr. Spring Rice, were responsible for the Colonial Government, and as he thought he had shown, there was no reason whatsoever to suppose that their conduct would be one iota better than that of the Whigs: they, in reality, had been the cause of those angry emotions and bitter feelings which had led to the present disasters. Since that period—since the beginning of 1834—her Majesty's present Ministers were alone responsible for colonial misgovernment. They sent out commissioners to Lower Canada. The first object of the Commissioners was to deceive—they concealed their instructions, and pretended that they were unfettered upon every subject. Now, the popular party had come to the conclusion that no arrangement would be satisfactory without a complete change in the constitution of the Legislative Council. The House of Assembly had expressed that opinion in their resolutions, and the Colonial-office had been repeatedly warned that, without agreeing to such a change, any attempt to settle the disputes would be useless; but in the instructions to the Commissioners the question of an elective council was a forbidden one. This fact the Commissioners carefully concealed, and endeavoured, by holding out false hopes, to obtain the supplies. The following was the account of this, which must at least be termed an extraordinary proceeding, given by Sir George Gipps:—

> "Had we, on our first arrival," he said, "declared that the question of an Elective Council was absolutely a forbidden one, we should have failed, *in limine*, with one party, for we have now the best reason for knowing that there would, in such case, have been no session of the Assembly. Had we, on the other hand, spoken of our instructions as more favourable to the democratic party than they were represented in the Governor's opening speech, we should not only have sinned against truth, but have driven, perhaps, the English party to violence. I do not think we were ever at liberty to publish our instructions *in extenso;* but, had we even done so, no good effect would, in my opinion, have been produced by it. The course which we pursued was so far successful that there was every reasonable prospect, up to the 9th of last month, that the arrears of the last three years, and the supplies of the current year, would have been granted. We have the most complete assurances that on the 7th of last month such a determination was provisionally adopted at a private meeting of the persons of most influence in the Assembly, the question being then to come on in the House on the 11th."

Unfortunately, however, for this scheme, Sir F. Head, the governor of the upper province, published extracts from his instructions, which were of a similar description to those of Lord Gosford. From those extracts the House of Assembly found they had been deceived, and, justly indignant, they set aside the question of paying the arrears, and voted a Supply Bill only for six months, which was rejected by the Legislative Council. With the exception of the resolutions of last year, and which were the proximate cause of rebellion, he did not know any other charge which could justly be brought against her Majesty's Ministers, besides that of having placed Lord Glenelg at the head of the Colonial Department. Every person reading the dispatches laid upon the table of the House, or perusing the brilliant and sarcastic examination of those documents made in another assembly, must acknowledge that the noble Lord, though by no means the least competent of her Majesty's Ministers, was wholly incompetent for his high and responsible situation. Such was the brief outline of the history of the Tory misgovernment of Lower Canada, and of the financial disputes which agitated that province. The persons to be blamed, and the most criminal (for he did not arraign the miserable tools in the province, but called the chiefs to account), were the Tory Secretaries of State for the Colonies —Lord Castlereagh, Lord Bathurst, Sir George Murray, Lord Ripon, and Lord Stanley. There were other grievances of the Canadians caused by these hon. Gentlemen, which required to be mentioned, and could be proved by the report of the Commissioners, whose observations applied chiefly to the conduct of the three last-mentioned Secretaries—Sir George Murray, Lord Ripon, and Lord Stanley. The greatest grievance next to the financial ones, and the most frequent topic of complaint, was the constitution of the Legislative Council. That body had been framed on the notion that it should represent in Canada the House of Lords of this country; but, instead of being an independent assembly, sometimes siding with the popular party against the encroachments of official authority, at other times uniting with the Government against the too rapid extension of popular principles, it sacrificed its independence by leaguing itself entirely with the Government; it became the mere tool of the Government, to use the words of the noble Lord, the Member for North Lancashire. The conduct of the Colonial Government was equally impolitic. Instead of perceiving and acknowledging the importance of the House of Assembly as representatives of the people, it relied exclusively for support upon the Legislative Council. The Commissioners, in their general report, stated, "Instead of the Government shaping its policy so as to gain the confidence of the House of Assembly it adopted the unfortunate course of resting for support exclusively on the Legislative Council." Thence arose feelings of jealousy and animosity between the two assemblies, and frequent and well-founded complaints of the constitution of the Legislative Council were made by the House of Assembly. In 1828, the Canada Committee recommended "that a more independent character should be given to the Executive and Legislative Councils; that the majority of their members should not consist of persons holding offices at pleasure of the Crown; and that any other measures that may tend to connect more intimately this branch of the constitution with the interest of the colonies would be attended with the greatest advantage." As long as the Tories remained in the Government offices, up to the middle of the year 1834, what had been their conduct? The evidence of the Commissioners, which applied almost entirely to the conduct of Sir George Murray, Lord Ripon, and Lord Stanley, was very valuable upon this subject, and he would not refrain from referring to some of the extracts which were made by Mr. Roebuck. They ascribed the fact of no formal demand for an Elective Council having been made before 1833, simply to the expectation entertained by the popular party, that, in consequence of the recommendations of the Committee of 1828, very essential alterations in the composition of the colonies were on the point of being effected. An alteration was indeed effected in 1832. The judges ceased to take part in its proceedings, and thirteen new members unconnected with the Government were added in the course of the year; but that these new nominations were unsatisfactory to the Assembly, and that the disappointment they felt at the alterations of the Council was the cause of their fresh proceedings against it, might be inferred from the fact that in the next Session of the Legislature was voted the first Address, in which a demand for an Elective Council was put forth. The Commissioners state that the popular party expected that the Legislative Council would be made to harmonize to a great extent with the House of Assembly. With regard to the appointments just mentioned they say—"We may, we think, venture to say, that whilst they satisfied the terms of the recommendation made by the Committee of 1828, as far as the matter of pecuniary independence of the Crown was concerned, they scarcely produced an alteration in the political character of the body to which the new Members were aggregated." The following was the delicate manner in which the Commissioners spoke of the feelings and conduct of the Legislative Council:

> "In the course of these protracted disputes, too, it has happened that the Assembly, composed almost exclusively of French Canadians, have constantly figured as the asserters of popular rights, and as the advocates of liberal institutions, whilst the Councils in which the English interest prevails have, on the other hand, been made to appear as the supporters of arbitrary power, and of antiquated political doctrines; and to this alone we are persuaded the fact is to be attributed that the majority of settlers from the United States have hitherto rather sided with the French than the English party. The Representatives of Stanstead or Missisquoi have not been sent to Parliament to defend the feudal system, to protect the

French language, or to oppose a system of registration. They have been sent to lend their aid to the asserters of popular rights, and to oppose a Government by which, in their opinion, settlers from the United States have been neglected or regarded with disfavour. Even during our residence in the province we have seen the Council continue to act in the same spirit, and discard what we believe would have proved a most salutary measure, in a manner which can hardly be taken otherwise than to indicate at least a coolness towards the establishment of customs calculated to exercise the judgment and promote the general improvement of the people. We allude to a Bill for enabling parishes and townships to elect local officers, and assess themselves for local purposes, which measure, though not absolutely rejected, was suffered to fail in a way that showed no friendliness to the principle."

And the following was the still more delicate manner in which the Commissioners of the Government replied to the question, whether the Government—that is to say, whether Sir George Murray, Lord Stanley, or Lord Ripon—had performed their duty of following the recommendations of the Committee of 1828.

"If these recommendations are satisfied by the appointment of a large number of new Councillors, none of them dependent on the Government for their income, but all living by their own means, and possessing property engaged in pursuits connected with the general interests of the country, we have to report that the advice of the Committee has been followed. But if, on the other hand, their words be taken to mean that a change ought to have been made in the political character of the body, we can only repeat what we observed in paragraph four of our preceding report on the Council itself—that there does not appear to have been an alteration effected in that respect."

He thought, after this expression of the opinion of the Commissioners, no one could doubt that such alterations had not been made in the constitution of the Legislative Council as ought to have been made. He would not enter into any very minute detail of the evil effects of the Legislative Council — he would not enumerate the number of important subjects upon which it had resisted the House of Assembly, and upon which it had been reluctantly obliged to give way. They were stated in the fourth report of the Commissioners. He would, however, mention a few of them. The Legislative Council resisted the right of the Assembly to accuse and bring to trial public officers. The Legislative Council refused to permit the House of Assembly to appoint an agent in England—a matter which the House of Assembly considered of the utmost importance, on account of the frequent unjustifiable, and, sometimes, most unexpected, attempts of the Colonial-office to interfere with the internal concerns of the provinces—as, for instance, in the case of the attempted union of the two provinces in 1822; of the Canada Trade Act of the same year, by which, as he had already observed, the House of Commons most unconstitutionally, and contrary to the Declaratory Act of 1778, rendered permanent certain temporary taxes imposed by the Legislature of Lower Canada for the purpose of assisting Great Britain in defending the province during the last American war; of the Canadian Tenures Act in 1825, by which the whole civil law of England, with all its incidents, was at once introduced into the province. The Agent's Bill had been regularly passed by the House of Assembly every, or nearly every, year for the last thirty years, and as regularly rejected by the Legislative Council, though the Committee of 1828 strongly recommended, that permission should be granted to the House of Assembly to appoint an agent. The Legislative Council likewise long resisted the right of the House of Assembly to control their own contingent expenses. The Legislative Council long opposed the demand of the Assembly for the surrender of the proceeds of the Jesuits' estates; and for the withdrawal of the judges from political affairs, from their seats in the Legislative and Executive Council—indeed they had opposed every measure which would tend to make the judges independent, and liable to impeachment for misconduct. Instead of the judges holding their offices, as in this country, during good behaviour, they held their appointments during the will of the Crown; and this fact, coupled with the fact that, on account of the expiration of the jury laws, which the Legislative Council refused to renew, the sheriffs, who were mere tools of the Government, could, by selecting the district out of which the jury were to be chosen, pack the jury, had destroyed the confidence of the people in the due administration of justice. Moreover, judges sat upon the bench who were totally unfit for the office. For instance, Mr. Spring Rice, while Secretary of State for the Colonies, acknowledged Mr. Gale was an improper person to be a judge; yet Mr. Gale still remained in that high and responsible situation. Mr. Thompson likewise (who was proved to have been drunk on the bench, and an habitual drunkard), nevertheless continued to be judge. To return, however, to the conduct of the Legislative Council, they rejected, in 1826, the School Bill, by which not less than 40,000 children were suddenly deprived of the means of education. "They proved (to use the words of the Commissioners) at least a coldness towards the establishment of customs calculated to exercise the judgment, and promote the general improvement, of the people," by their conduct towards the Parish and Townships Officers Bill. The evil which they did in rejecting this Bill might be understood from the following extract from the evidence of Mr. Neilson, given before the Canada Committee of 1828.

> "In Canada (he said) we have been plagued with an old French system of government; that is to say, a Government in which the people have no concern whatever. Everything must proceed from the city of Quebec and the city of Montreal, and persons must come to the city of Quebec and the city of Montreal to do everything, instead of being able to do for themselves in their own localities. In the United States they have the English system, by which every locality has certain powers of regulating its own concerns, by which means they regulate them cheaper and much better; whereas, with us a man must make a journey to Quebec, he must go to a great expense, he must bow to this man and to that man, and rap at this door and rap at that door, and spend days and weeks to effect a little improvement in a road, or something of that kind of common convenience to a district, whereas all that is done in the United States, without going out of his own small district."

The object of this Parish and Township Officers Bill was to remedy this great evil, and consequently it was rejected by the Legislative Council, the determined hostility of which to the wishes of the Representatives of the people was sufficiently proved by the facts which he had narrated. To these facts he might add a number of others—to these facts, however, he appealed when he affirmed that the Legislative Council, up to the latest moment, had been a real grievance to ~~the~~ Canadians; and the Canadians ~~were~~ justified in asserting either that there had been the most culpable negligence on the part of the Colonial Secretaries in not improving the constitution of that body, or that its constitution was so radically bad that it ought to be abolished or rendered elective. He would wish to show by the Report of the Commissioners, that the demand of the House of Assembly for an Elective Council was not so extravagant as some hon. Gentlemen seemed to think. The Commissioners said, "We will even say, that, under more favourable circumstances, at an earlier time, or had less animosity been excited, we can conceive that good might have resulted from the principle of election." The chief objection of the Commissioners to an Elective Council seemed to have been, that they feared that the other party, the anti-popular party, would have broken out into insurrection. The Commissioners said in the same Report, "The concession of an Elective Council in the present excited state of public opinion would afford a triumph to one portion of the people, which, we say, would be fraught with danger." It had been argued by some persons, that the contest between the Legislative Council and the House of Assembly was not a contest between a small party and the representatives of the people, but between those who were, and would be, the defenders, and between those who were, and would be still more, the oppressors of the English race. He acknowledged, that it was in accordance with the generous and noble feelings of a free people to be most anxious, and to take care that wrong should be done to no one connected with them by blood; and he, for one, should be ready, when it was proved that there was a risk of injury to the just rights of his fellow countrymen in Canada, to support any measure duly calculated to protect their interests, and advance their well-being, and so, he was convinced, would every Member in that House. At the same time, however, especial care should be taken lest under the influence of their national feelings, lest moved by affections towards those connected with them, they should be induced to sanction the wicked desires, and gratify the odious passions of cunning and unscrupulous men, whose only object was power and whose purposes were more hateful even than those of the Orange faction. Such, however, would be the disastrous effect of being guided in their conduct towards Canada by persons who asserted, that the House of Assembly did not represent the wishes of the Canadians both of French and English origin. A few simple facts which he would now state from the Report of the Commissioners, with regard to the representation, would prove the contrary. For some time previous to the year 1829 just complaints were made, that the townships were not represented, and that the whole system of representation was very unequal. When the Constitutional Act of 1791 was passed, the then Governor, Sir Alured Clark, was intrusted with the power of dividing the province into electoral districts. He took as the sole basis of his calculations the numerical amount of the population, and divided into counties as much land as contained a certain number of inhabitants; consequently, at that time a small district on the (comparatively speaking) thickly-peopled banks of the St. Lawrence was found to suffice, whilst in more distant parts vast territories were comprehended in one county. After a certain interval the representation, by the progress of emigration and the increase of population, became very unequal; persons of the British race, settled in the remoter counties, were hardly represented at all in the House of Assembly, whilst the French population contained in the seigneuries of the small counties on the banks of St. Lawrence had an undue preponderance in the popular branch of the Legislature. Complaints were justly made by the townships; Bills were brought in and passed by the House of Assembly, but were rejected as unsatisfactory by the Legislative Council. Such was the origin of the complaint, that the British, or more properly speaking, the township, population were unrepresented. He would here observe, that for ordinary purposes the township population may be considered as of the British or Anglo-Saxon race—that is to say, either composed of emigrants from this country or of American settlers, who cannot be distinguished from one another, and who would unite together entirely, if the supposed (though highly improbable) contest of races were to take place. The seigneurial population was almost entirely French. Now the complaint of the townships of the undue preponderance of the seigneuries in the House of Assembly was no longer well-founded. In the year 1829 a Bill was passed by the House of Assembly for amending the representation in proportion to the population; this Bill, however, was greatly altered in the Legislative Council, and the alterations were such that, according to all expectations, said the Commissioners, would have caused the Bill to be lost in the House of Assembly. "The general effect," said the Commissioners "of the alteration made by the Council is, as far as we can judge of it, to give six representatives to those counties in which a township (that is to say British) population prevails more than they would have had under the Bill as it left the Assembly, and five less to those which are inhabited by French Canadians." And in another portion of their Report the Commissioners stated, that, according to the census of 1831, "in the counties composed exclusively of seigneurial population, or containing a majority of that description of inhabitants, the proportion of people to each representative was, in the former 6,201; and, in the latter, 6,883; and that in counties containing a majority of population settled in townships, or composed exclusively of such inhabitants, the proportion of people to each representative was 3,394 and 3,543. Thus the inhabitants of counties in which the townships predominated, had nearly twice as many representatives in proportion to their numbers as the inhabitants of counties entirely seigneurial." By the Amendments of the Legislative Council, then, the British population had twice as many representatives in proportion to their number as the French population. The Bill thus amended was adopted by the House of Assembly without opposition. After these facts he could hardly conceive how any impartial man could deny, that the British portion of the community had their fair share of the representation of the province. It was true, that some of the persons who called themselves the English party seemed not satisfied, and made the following moderate proposal to the Commissioners, that there should be one representative to every 2,600 British, and one to every 24,000 French; that is, that the British should have ten times as many representatives, in proportion to their numbers as the French. This was not a bad sample of the moderate views of the so-called English party. The Commissioners very fairly observed, with regard to this proposal, that "they are forced to come to the conclusion that it is one which they cannot recommend." It being evident that the House of Assembly fairly represented both races, what had been the conduct of the British Representatives? Did it bear out the position, that the views of the British population were opposed to those of the French? Ottawa, Missisquoi, Shefford, Stanstead, Sherbroke, Drummond, and Megantie, were inhabited almost entirely by persons of British origin, these counties, containing a population of 41,000 in 1831, returned twelve representatives, one-half of whom, representing a population of 23,000 were invariably to be found on the popular side; many persons of British origin were returned by French constituencies, but according to the Commissioners more than one-half of the representatives of British origin in the House of Assembly were in the constant habit of voting with the popular party; and they had stated, likewise, in their General Report, that "the majority of settlers from the United States sided with the French rather than the English party," and Sir George Gipps allowed, that "so long as the contest can be made to appear as one not of nationality but of political principle, the Americans, and a portion even of the British will be on the democratic side." These facts proved, that, up to the present moment, there was no real contest of races in the province of Lower Canada. In that province there was indeed a so-called English party, whose only characteristic similarity to the majority of their fellow-countrymen consisted in the fact of their speaking the English tongue. They were a small faction, whose object was power; who, for that purpose, appealed to disgraceful national antipathies, and dared to make the extravagant demands to which he had referred, and claimed as their right a tenfold share in the representation of the province—an odious and monopolising clique, the source of all evil, the origin of all the disputes which had so long agitated that unfortunate country. The organs of the Tory party had most correctly proved the similarity between this so-called English party in Lower Canada and the Orange faction in Ireland. Every odious sentiment, and every hateful principle—every mischievous prejudice which was characteristic of the one belonged likewise to the other faction. He trusted the people of this empire would show as little sympathy for the one as it ought to feel for the other. But if, on the grounds of being dissimilar in race, and of speaking a different language, they were to accord dominion to this party in Canada, then tenfold was the claim of the analogous party in Ireland to supremacy over a people whose native language was far more dissimilar to our tongue, and who sprung from a stock far less akin to ours than that of the French. He felt ashamed and humiliated that in this, the nineteenth century, he should have to combat and denounce antipathies arising out of the difference of race. Every effort had been made to excite such antipathies. To one attempt of this description he would wish most particularly to allude. The Canadians had been represented as a bigoted and ignorant people, stupidly and slavishly attached to ancient and barbarous feudal customs and privileges. Such was the language of the noble Lord, the Member for Stroud, when, quoting Montesquieu, he said, "he who pays cens is a serf—he who does not is free." Such had been the language of hon. Gentlemen, because the Canadians preferred the seigneurial tenure to that which had been attempted to be introduced by an Act of the Imperial Legislature. Now, he contended that they were justified in their preference of the seigneurial tenure, and, for the purpose of proving that they were in the right, he would appeal again to the reports of the Canada Commissioners. The Commissioners state, that the feudal tenure, as it was first introduced into Canada, appeared to them to have been, in some particulars, well adapted to the settlement of a new country; and, comparing the incidents of the two tenures, namely, of the feudal tenure and of that in free and common soccage, they said, "the modes of conveyance under the French customs are simple, expeditious, and cheap," and "the French rules of descent are much preferred to the law of primogeniture by the people of all origins on this continent;" and they recommended the application of the French modes of conveyance and descent instead of the tenure in free and common soccage. Undoubtedly there were inconveniences attached to the feudal tenure—the heavy fines on the transfer of property, and the other obstacles to its free transmission, arising out of the feudal tenure, had an injurious tendency. But those evil effects were begining to be generally acknowledged. "And," say the Commissioners, "in the views now expressed by the leading Canadians of French origin there is no desire whatever to perpetuate the onerous parts of the tenure, and the people have been moved in some cases to represent the inconvenience." The patriotic meeting in the county of Vaudreuil demanded a relief from feudal burthens, and the Commissioners stated likewise "that a Committee of Assembly in 1834, in a report which they made, exhibited a feeling very favourable to the extinction on reasonable terms of the burthens of the seigneurial tenure." The French Canadians, therefore, were not blindly and foolishly attached to the mischievous effects of the feudal tenure, but they did object to the conduct of this country in attempting to interfere with a matter which ought to be one of internal arrangement, and they objected for this reason to some Acts of the Imperial Parliament — for instance to two clauses of the Canada Trade Act (3rd George 4th., cap. 110, sec. 31 and 32), and to the Canada Tenures Act (6th George 4th, cap. 59). Now, with regard to the two laws which he had just mentioned, the Commissioners stated that complaints had been made on the following grounds:— First, " That the subject of tenures is one of internal arrangement, in which the Imperial Parliament ought not to interfere, and on which it could not possess sufficient knowledge to legislate without falling into error." With regard to this complaint the Commissioners said, " We think there is reason for it, and that the interference of the Imperial Parliament in matters of this nature ought, if possible, to be avoided. As an example of the inconvenience which it is liable to create, we may state that, most probably from an insufficiency of local knowledge it has been found lawful to commute, for the unconceded parts only of seigneuries, in two cases out of three that have occurred under the Tenures Act." The second objection was, " That the Act of 1825, in a part of it, purporting to be declaratory, established a law different from what had prevailed in practice, and unsettled various rights of property." The Commissioners say, " The second objection was also in their opinion, well founded." " We conceive that the unqualified introduction of the English law of real property was at any rate not suited to the circumstances or to the wishes of any class of the people." The third objection was, that the Act of 1825 was far too favourable to the seigneur, whilst it did very little for the censitaire, that is to say, that it was very advantageous to the great landlord, but not to the small tenant; this objection likewise, said the Commissioners, " is, we think, founded in fact." Thus, he considered that he had shown, from the report of the Commissioners, that the people of the province had had good reason to complain of the Tenures Act. He would observe that the Government was to blame for the small number of voluntary commutations of tenures between seigneurs and censitaires. The censitaire was only entitled to demand a commutation of tenure when the seigneur had previously commuted with the Crown. Now, the Committee of 1828 recommended that the seigneurial rights of the Crown should be given up, and the droits de quint—which is a fine on the transfer of seigneurial property—should be remitted, in order to facilitate voluntary commutation between seigneurs and censitaires, under the Act of 1825. This recommendation of the Committee of 1828 had not been attended to by the Colonial Office, and for this inattention the Colonial Office was justly deserving of blame; for, said the Commissioners—" If the impediment which is presented by the droit de quint were thus surmounted, nothing would be more easy than the arrangement of voluntary agreements between seigneurs and censitaires for the discharge of lands from the dues and services of their actual tenure," and for these reasons they recommended that the droit de quint should be given up. In short the Commissioners fully and completely showed the validity of the complaints of the House of Assembly with regard to the Tenures Act; and, in the conclusion of their report, they stated— " We have no hesitation in saying that, in our opinion, the Tenures Act of 1825, and the clauses in the Trade Act of 1822 which relate to tenures, should be repealed." Thus he had assigned his reasons for deciding that not the House of Assembly, but the Colonial Secretaries, most especially the three—Sir George Murray, Lord Ripon, and Lord Stanley—were to blame. He had enumerated a series of grievous wrongs inflicted on the Canadian people by the tools of the Colonial Office, and for which the Ministers who had presided over that department of the State ought to be held strictly responsible. But it should be remarked that of all the high functionaries the Colonial Secretary was the one least exposed to effective responsibility, because the people of a mother country are necessarily uninterested and unacquainted with the affairs of their remote dependencies. Therefore it was only on extraordinary occasions that the public attention could be directed from matters of nearer interest to colonial concerns: it was rarely that the Colonial Office could be made to feel the weight of public opinion, and to fear censure and exposure. Where, however, responsibility was wanting, the experience of all ages had proved, that abuses would exist, and continue to exist, unredressed, until at last they reached that amount which induced them no longer to trust to prayer and humble petition, but raise the cry of war, and have recourse to arms. Such had been the case of Canada. In that province for the las thirty years acknowledged abuses had existed; acknowledged by Committees, and by Members of every party in the House of Commons. Great changes had taken place in the Government of this country, yet no changes had taken place in the administration of colonial affairs. The same odious system of colonial misgovernment which was pursued by the Tories had been acted upon by the Whigs. The causes for the continuance of the same colonial system under Ministers of the most adverse principles were easily to be explained. The Colonial Secretary seldom remained long enough in his office to become acquainted with the concerns of the numerous colonies which he governed. In the last ten years there had been no less than eight different Colonial Secretaries. They had seldom, therefore, the time, and still more seldom the inclination, to make themselves acquainted with the complicated details of their office; their ignorance rendered them mere tools in the hands of the permanent Under-Secretaries and other clerks. It was in the dark recesses of the Colonial Office—in those dens of peculation and plunder—it was there that the real and irresponsible rulers of the millions of inhabitants of our colonies were to be found. Men utterly unknown to fame, but for whom, he trusted, some time or other, a day of reckoning would come, when they would be dragged before the public, and punished for their evil deeds. These were the men who, shielded by irresponsibility, and hidden from the public gaze, continued the same system of misgovernment under every party which alternately presided over the destinies of the empire. By that misgovernment they drove the colonies to desperation—they connived at every description of abuse, because they profited by abuse—they defended every species of corruption, because they gained by corruption. These men he now denounced as the originators and perpetrators of those grievances in Canada, the evil effects of which this country had already begun to experience. He trusted the experience thus gained would convince the people of the necessity of a sweeping reform in the Colonial Office. There remained for him one other Canadian grievance to mention—the great—the master grievance of all; for this grievance not only was the Colonial Office responsible, but the whole of her Majesty's Ministers, and even unfortunately, the Imperial Legislature of this country; that grievance consisted in the resolutions passed last Session by Parliament. Those resolutions virtually destroyed the Constitution of Lower Canada—it was the grossest absurdity to call together last autumn the House of Assembly, for the purpose of informing them that the Imperial Legislature had deprived them of their most valuable rights, and he contended that the conduct of the House of Assembly was on that occasion most praiseworthy, and consistent with the spirit and determination which they had always evinced. It was fortunate that her Majesty's Ministers could find one individual fit to be sent to Canada who took no share in those wicked resolutions; for if Lord Durham had either assented to, or approved of, or in any way directly or indirectly participated in the conduct of the Government on that occasion, not the slightest confidence, not the smallest reliance, could be placed in him, and his mission to Canada would, without doubt, be a complete, a miserable, and a disgraceful failure. These fatal resolutions were the proximate cause of the present revolt, and though he must deeply lament that blood had been shed, still if the insurrection should, by sending Lord Durham to Canada, tend to bring the unhappy affairs of that province to a satisfactory settlement, he for one should not consider that on the whole there was much reason for deep sorrow and regret on account of late events. With regard to the issue of the struggle which was now taking place in our North American colonies he had already expressed what were his hopes, his fears, and his wishes. For so doing he had been held up to public indignation, and received unmeasured abuse. But whether he was denounced as traitor or rebel in the courteous, though somewhat wearisome, tones of the noble Lord, the Member for South Lancashire, or in the more energetic vituperations of interested orators, was a matter to him of utter indifference. Not one expression which he used, not one opinion which he uttered, not one word which escaped from his lips with regard to this question did he in any way regret or retract; and if he did not at the present moment reiterate those sentiments it was partly out of respect for the feelings of that Assembly, partly because he could not find terms strong enough to embody his sentiments, and partly because he wished no longer to trespass upon their patience.

Mr. *W. S. O'Brien* said, that although he was quite aware it would not be in his power to engage for any length the attention of the House, still he was extremely anxious to state shortly the grounds upon which it was his intention to support the Bill now under the consideration of the House. During the last Session of Parliament, when the resolutions relating to Canada were brought forward by the noble Lord, the Member for Stroud, he had felt it to be his duty to vote with the minority who had opposed those resolutions—a proof that he did not participate in the views and feelings of the noble Lord upon that or on the present occasion. He had done so, because he believed and anticipated that those resolutions would, when known in the colony, throw into rebellion and revolt the people whose peaceable demeanour had frequently been the subject of compliment and respect. And after looking at the events which had since occurred, he had never ceased to rejoice at the part he had on that occasion taken, because, humble as his single vote was, if it had been in the majority with the noble Lord, he should have felt himself to be a participator in the responsibility for the awful consequences which had ensued. In coming to a decision upon the present question he had kept in view but a simple guide, and that was, to return to that course of policy which would be likely to prevent the shedding of blood, to restore tranquillity, and to give to the people of Canada in a very short time the full enjoyment of their rights, and he could not conceive any project more likely to effect this object than that which had been proposed by the noble Lord at the head of the Home Department. The constitution of 1791 was already virtually suspended; the House of Assembly had itself abrogated its functions, and it therefore could not be expected that of its own will it would soon meet for the purpose of resuming those functions to the benefit and advantage of the Canadian people. And then came the question whether there should be martial law, an attempt to establish a civil government, or an union with such associations as the Doric Club. It seemed to him that the much safer course would be, to intrust, as proposed, the government of that colony to the hands of an able statesman, and in the character of the Earl of Durham he found an ample guarantee that as soon as order was established in the province, the constitutional rights of free men would not be trampled upon, but that a new constitution would be framed (he trusted more successfully than formerly), and that the liberties of the people would be entirely respected. On these grounds, he should support the Bill before the House, and he could not but hope that hon. Members would look to it, as he should, in a manner that would indicate to the Colonial-office, and to the colonies themselves the spirit in which hereafter the British Parliament would legislate in their respect, and he had no difficulty in coming to the conclusion that it would give a character to their future proceedings, that past differences should be consigned to entire oblivion; for God knew there had been sufficient faults on each side to teach both mutual forbearance. He admitted, that the persons or the parties who first shed blood in civil strife rendered themselves amenable to the condemnation of mankind, but there were cases in which resistance by an oppressed people was justifiable, but then that oppression must be intolerable, and all hope of otherwise removing it lost. Now, he did not admit that such were the characteristics of the resistance in Canada—on the contrary, he believed that if the Canadians had abstained from revolt and had contented themselves with constitutional resistance, they would have ultimately succeeded in their just demands, and would have excited that sympathy which by their recent conduct they had forfeited. But while he condemned the colonists thus much, he did not participate in the spirit in which the noble Lord, the Member for Stroud, had arraigned the House of Assembly: on the contrary, so far as he could trace, he thought many of their claims had been conceived in a wise spirit, and were asked in a manner deserving the approbation of the House. He would take the liberty to recapitulate the different points for which the House of Assembly had successfully struggled, and which were based in reason and justice. He found, first, the demand for a control over all their own revenues, and after a long struggle between the House of Assembly and the Colonial-office on that subject, it ended by the expressed conviction of this House that the Colonial-office was in the wrong. Then came the demand for the independence of the judges, and the responsibility to the Assembly of the public officers of the colony. The principles of those measures had been admitted, but never carried into effect by the colonial authorities at home, though this demand, as well as that relating to the clergy reserves, was conceded to be just in principle. He was one of those who thought that this country had done wisely in adhering to the arrangement with the Land Company, to which the Crown stood pledged, but was it proper or right for the country to alienate a million acres of land in Canada, without first consulting the Colonial Legislature? Certainly not, and therefore the House of Assembly had a right to demand (though this country ought not to concede) the abolition of the charter to that company:. with respect to the responsibility of the Legislative Council to the House of Assembly, the resolution of last year stated, that the fullest confidence ought to exist between those two bodies, and he took it for granted, if such confidence did exist, the House of Assembly would be satisfied. Now nothing could be more anomalous than the form of Executive Council fixed upon by the Commissioners; he denied the existence of any analogy between that body and the Privy Council here. The present Executive Council were neither responsible to the Legislature there, nor to the Government at home. He, therefore, maintained that the House of Assembly had been justified in its demand, and this brought him to the last point, namely—whether or not the Legislative Council ought to be elective; on this head, he thought the House of Assembly altogether wrong. But if there existed any confidence between the two bodies, as stated by Mr. Roebuck in his speech at the bar last night, the House of Assembly would have never raised the speculative theoretical question as to whether the council ought to be nominated by the Crown or elected by the people. All the Assembly desired was good government. It was, however, impossible, from the constitution of the council, that such confidence could exist. That council had been founded on the supposition that it would be analogous to the House of Lords, but no analogy existed—the Legislative Council had no title to the respect and veneration of the colonists; neither was it composed of men of great rank, talent, wealth, or character; on the contrary, many of them were totally dependent upon the Government, others were of broken-down fortunes, ruined men, public defaulters; such was the body to whom was committed the Government of a great empire with a great income. It appeared that in the year 1828, out of the twenty-three members of the Legislative Council, twelve held office under the Government, there being a positive majority of official men in that branch of the Legislature. But look to the constitution of that body in another point of view. The majority of the Canadian people were in religion Roman Catholics, and yet in the Legislative Council, out of the twenty-three members sixteen were Protestants and only seven Roman Catholics, and again fifteen were natives of the United Kingdom and eight only were natives of the provinces. Since that period, when the number became reduced to nine, there were eight Protestants and only one Roman Catholic in the Legislative Council. Was it then to be wondered at that under such circumstances a body so constituted could not give satisfaction? That body had thrown out all good bills, and the people of Canada had entirely given up all hopes of good legislation. What could be more natural than that the Canadians should look to neighbouring countries, and when they saw that it worked well in the United States they thought it ought to work well with them, and therefore it was, that they had asked for an elective Legislative Council. The address of the Assembly making this demand had been carried by a majority of 55, only seven members of that Assembly denying that a change to that effect would be of advantage. And then the Colonial-office at home stepped forward and said, "We will give effect to the opinions of those seven." It had been said, that if the other course had been taken, the result would have been the surrender of the province to the majority—namely, the French party. That such language should have been used by the ultra-Tories did not surprise him; but he owned he was astonished to hear that argument adopted by those who had resisted the doctrine in the discussions upon the Irish Corporation Bill. That the noble Lord who had told the Protestants of Ireland that they were a miserable monopolising minority should apply this doctrine to Canada, and tell the Canadians

"We will legislate in your case for the benefit of the minority of the people, and we distrust nine-tenths of our fellow-citizens on the other side of the water," he owned did astonish him. If the majority was not safely to be trusted in one Assembly, they were not to be trusted in the other. But when the resolutions of last session went out, the utmost indignation was created, public meetings were held, and certainly strong language was made use of at those meetings. But did not the noble Lord remember the strong language used at Birmingham in the year 1831, and that it was then thought expedient to tell the people of Birmingham that those who set at nought that language spoke but as the "whisper of a faction?" He contended that the Government at home ought to pay attention to the expressions of sentiment by their fellow citizens whether in Canada or at Birmingham. There had again been great want of policy in taking away the commissions of the peace and in the militia from those individuals in Canada who had attended such meetings. There had been a still greater want of policy in the prosecution of the hot-headed young man who tore down the proclamation of advice of Lord Gosford. The grand jury of Montreal ignored the bill of indictment, and then an *ex officio* prosecution was directed; this extremity of the law in such a case became the subject matter of scoffing and derision, because it was directed to so trumpery a case. What followed everybody knew and deplored. The people and the ignorant peasantry rose, but it did not appear that any of the prominent leaders of the House of Assembly had instigated the people to commit themselves by hostilities. He had taken this short review that he might not be supposed to participate by supporting this Bill in the views of the noble Lord who had condemned the House of Assembly when they deserved admiration. He was of opinion that both parties had been sufficiently in the wrong, and that, therefore, a general amnesty ought at once to be proclaimed. But let us turn from the past, and direct our views to the future. If our statesmen instead of casting aspersions on the Canadians which they did not deserve, would throw out some ideas as to the best kind of constitution that could be established in Canada with advantage to themselves and to the mother country, they would have an object before them worthy of consideration. He could not agree with the suggestion thrown out by the hon. Member for Bridport, that England ought to dissociate herself from her colonies. If colonies were well governed, there was no surer basis on which to rest national power and national prosperity. He could not conceive a more noble source of pride to the inhabitants of this country than that she should be the parent of mighty nations, and transplant the nurslings of the British oak to the remotest regions of the earth. He denied that it could in any case be the interest of either country to be dissociated. He was for allowing the colonies self-government in connexion with the mother country. He wished, therefore, that the statesmen of this country would consider what was the best arrangement for carrying this principle into effect. Matters should be so contrived as to give satisfaction to the people of Canada. If they demanded an elective Legislative Council, give it them; if they asked for a responsible Executive, let them have it. He felt long speeches were very bad things, but he felt strongly on this question as an Irishman, in consequence of the similarity of circumstances that existed in the two countries. He rejoiced at the triumph of the Queen's troops, because we could now do with a good grace what we might have been obliged to do from fear.

Mr. *W. Williams* regretted that he felt himself called upon to oppose that Bill, but he did so upon the ground that it contained an enactment which he thought would tend to aggravate the already existing feeling of discontent amongst the people of Canada. He considered that the resolution to take the public money of the province, contrary to the express will of the House of Assembly, was a great violation of the rights of the colonists, but he considered the Act suspending the constitution a still greater violation of their rights. He would beg the House to bear in mind the statement made by Lord North in 1775, when he brought his celebrated motion before the House. He then stated, that disaffection only existed in one of the thirteen provinces. But what was the result? No sooner was the intelligence received in America than the whole of the colonies there broke out into open rebellion, and in a very short time after, the battle of Lexington was fought. He, moreover, had heard no real reason to justify the suspension of the Constitution. His opinion of such a proceeding was, that it would tend to produce so strong a feeling, so deep a sense of the insult, that the people as a body would become disaffected to the mother country. The only reasons which he had heard used were, that there were certain local Acts which would expire in the course of this year, and only affecting a particular district in the country; and that it was requisite that the Legislature should be summoned each year. These reasons did not appear to him to have any weight, for all objection might be obviated by deferring unto the last possible moment the proceedings contemplated by the Bill. It was also very important to consider the statement in the speech of the President, and the evident preparations for war which it recommended. He would, however, confess that he could not see that statement, and regard the present situation of Canada without apprehension. In the event of a war, if the United States were to obtain possession of Canada how would it be possible for this country to retain its other colonies in that part of the world—Nova Scotia, New Brunswick, and the islands in the Gulph of St. Lawrence? If the noble Lord (Lord Durham) went out as a pacificator, but carrying with him the suspension of the Constitution, all his efforts would be worse than useless. But he would like to know what loss this country would have sustained if it had granted an elective Legislative Council twenty years ago? Thinking, therefore, that this Bill would exasperate the feelings of the Canadians, he could not help both expressing his regret, and condemning the course which the Government was pursuing; but he was still glad that in the Ministerial plan twenty persons were to be elected as a council from the inhabitants of both provinces.

Mr. *E. L. Bulwer* thanked the Government as an Englishman (feeling, as he did, a warm desire for the honour and the power of England paramount to all party considerations) for their determination to uphold the integrity of the empire, and the maintenance of the laws. He thanked them scarcely less, as a friend to a liberal and popular policy, for their declared resolution to redress the grievances of Canada, and to restore to her, as speedily as possible, the blessings of a free constitution. The Government had been assailed by a variety of arguments, as singular and incongruous as any that the invention of an opposition ever conceived. The hon. Member for Droitwich, who spoke with much ability last night, wound up his peroration by declaring, that for the Canadian insurrection, the loss of property, the effusion of blood, the Government were deeply responsible; and as far as he could gather from the hon. Member's speech, the main argument on which he rested so grave a charge, and on which he expatiated for a quarter of an hour, was in the hesitation of the Government about the bishopric of Quebec, and the inadequate salary of that unfortunate prelate. Then the noble Lord, the Member for South Lancashire, who, not more from his station than from his acquirements and the dignified tone of moderation he ever assumed, was always so welcome an ornament to their debates, after first blaming the measures of Lord Gosford, most curiously complained that Lord Gosford was removed, and here he fell upon a very original argument. The most proper man, said he, for coercion was the man who had tried conciliation in vain —in other words, the best person to carry out one line of policy was the man who was most pledged to another. This might be very philosophical, but it was against the universal practice of parties. If it was true in one case, it was true in another. If he who had tried concession was best for resistance, he who had tried resistance was the best for concession; and yet so little did the right hon. Gentleman, the Member for Tamworth, act up to this policy of sagacious tergiversation, that, after he had exhausted all the arts of resistance to the Reform Bill, he refused, when the Duke of Wellington meditated to supersede Lord Grey's Government, to have recourse to that concession for which his previous resistance had, according to the noble Lord's theory, so eminently qualified him. The speech of the learned gentleman they had heard at the bar had been characterised as effective and unanswerable. The learned gentleman, no doubt, made the most of his case; but he must say, that, considering the flourish of trumpets with which he was announced—considering the solemn menaces of proving high crimes and misdemeanours against the Government—considering the length and elaborate bitterness of his oration, he must say, that he never knew a speech of so formidable an exordium arrive at more feeble and impotent conclusions. He passed over the learned Gentleman's long historical recapitulation, which had no more to do with the Bill before the House than a history of the Deluge would have to do with a Bill to guard against the overflow of the River St. Lawrence. The main object of the learned Gentleman was, to show that there still existed grievances among the Canadians. Unquestionably there did, and that House would now be examining these grievances if the party the learned Gentleman defended had not converted a petition into a declaration of war. The learned Gentleman next wished to prove, because we acknowledged the grievances, and especially the expediency of reforming the Legislative Council, that we, therefore, justified the stubborn resistance of the lower House of Assembly, and almost also justified the revolt. It was exactly the reverse. When we allowed the grievance, when we declared we would redress it, when the leader of that House, on the 14th of June last, had declared his willingness to listen to authorised proposals of compromise, we took away all excuse for the Lower Assembly, and all palliation for a gratuitous revolt. They were told that this Bill, this suspension of the constitution, was nothing but punishment and coercion. But, taking the Bill in connexion with the speeches that explained it, he must say, that he saw in the whole measure the mildest and most generous policy ever pursued by a Government towards disaffection, or by a conqueror towards defeated opponents. In the first place, there was a general amnesty to all offenders; in the second place, there was not only a promise but a provision for a free and reformed constitution; and as a pledge of the hearty sincerity and good faith of the Government, the measures of reform, the policy that was to put down discontent, were intrusted — to whom? To a military chief?—to a lover of arbitrary power? No; to a man whose whole life had been devoted to the enforcement of principles the most popular, and whose name was identified, not with coercion to the popular will, but with concession to popular grievances. In the principles of that noble Lord, the Government had given to this country and to Canada an earnest of intentions the most generous; and in the peculiar talents of that noble Lord, his long civil and legislative experience, his singleness of purpose, his enlarged, vigorous, and commanding intellect, they had afforded every reasonable hope that those intentions would be carried triumphantly into effect. He (Mr. Bulwer) could not but admire the sacrifice of self which had induced the noble Lord to accept this office. It was a sacrifice, this honourable exile!—it was a sacrifice to a man in the high station of that noble Lord; nor could he be actuated by any ambition than that of serving his country wherever that country most needed; not a dictator and a despot, but a reformer, a pacificator, and a framer of wise laws and enlightened institutions. But the constitution was suspended! And who were they who complained of this suspension? Why, the very men who had told them for years that the constitution could not work—that the constitution was the worst grievance of the Canadians—that it was powerless for good, and only a legitimate obstacle to the popular demands—the very men who called upon them not to suspend but to overthrow that constitution. For the Legislative Council which they asked the House to sweep away, was precisely as integral and fundamental a part of the constitution as the Lower Assembly, whose functions it was proposed to suspend. But the constitution was virtually suspended when for nearly four years the Lower Assembly itself stopped all supplies to the most urgent wants which any community redeemed from barbarism could require. They stopped the payment of a police and of judges, or, in other words, the expenses necessary for the maintenance of order and the dispensation of justice. It was virtually suspended when the Lower Assembly demanded as the price of allegiance to the mother country a new constitution altogether. It was suspended when it was found that all the wheels of legislation were locked, and that the Lower Assembly and the Legislative Council, would not, or could not, act together. It was annihilated—a dead letter—a *caput mortuum*, the moment that a civil war commenced. The constitution was now suspended. But for what purpose? Why, in order to reform it. Who by the Bill were to be the advisers and coadjutors of Lord Durham? Foreigners — natives of the mother country—men anxious only for her supremacy and selfish interests? No! Canadians themselves, the majority of them delegates of the people—authorised and responsible organs of their complaints and desires. Why, this Committee proposed by his noble Friend was exactly the course, not that a colony, but a free republic, would adopt, if it seriously designed an entire reform of its constitution. This Bill might fail—the mother country might be deceived; but if so it would be by the liberality, the confidence, and not by the severity and distrust of the parent state. It was for the Canadians to decide whether it should stand forth to posterity as an example of the wisdom of a lenient and generous colonial policy, or whether it should be by that failure an encouragement to the sterner measures which he believed every other country in Europe would have adopted to a disaffected province and a defeated enemy. He thanked the Government for this Bill. He went farther: he thanked them also for their whole conduct to Canada since the passing of the resolutions last Session. He thanked them for not having sent out troops as the accompaniment of those resolutions. The right hon. Baronet blamed them the other night for not having done so. Against the opinion of the right hon. Baronet he called into court the opinion of the noble Duke, the leader of his party in the other House. [*No, no!*] What! was the noble Duke no longer the head of the party? Yes, the noble Duke had acquitted the Government on this head; and who in that House was the solitary accuser of the supineness and negligence of the Government? None of the right hon. Baronet's own party. No: a noble and learned Lord, who, after coquetting with all parties, seemed to have thrown— [The *Speaker:* Order!] He would not press that point further. Yes, he would repeat, that he was glad that troops were not sent out. It was something to have robbed revolt of all justification. Had you sent out troops as the heralds and carriers of your resolutions—had you by that parade of power, justly irritated the pride of men to whom you have communicated the jealous English spirit of liberty and honour — you would not now find the patrons of Mr. Papineau confined in this country to a council of six—you would have procured for them the popular sympathy of England; and, for his own part, instead of being the supporter of the Government, he should now have been their opponent. He did not blame the Government for their not guarding against a violence which they had no right to anticipate, and which premature anticipation would have justified. The result had proved the wisdom as well as generosity of their policy. The forces had been sufficient for the safety of the colony. He equally commended the Government, now that the violence had broken out, for their vigorous exertions entirely to suppress and to guard against its recurrence. He should not enter into the premature and inexhaustible field of speculation which was opened to them as to the future constitution of Canada. In that constitution, whatever it might be, he for one should hope that if the English, or rather the commercial, interests were to be more banished from the Legislative Council, they would by a better distribution of the suffrage obtain a fair share of influence in the representative assembly. If this were done —if, whenever at some distant period they should have to listen to any demands for a separation, they might feel sure that French and English were united in one common interest, then, he confessed, he should not object, if by the popular principles of that constitution they educated the Canadas to that safe and gradual independence which should be the last and crowning boon that a colony should receive from a parent state. But look to the views, the intelligence of the party deluded by Mr. Papineau. Fortunately the merchants of England, whom the hon. Member for London represented, knew that that party had professed the most benighted hostility to all the principles of commerce itself. But did the hon. Member for Westminster in his harangues at the Crown and Anchor—did he tell his admiring audience what it was that the Papineau party were most wedded and attached to? Not to the great and wise institutions of this day, but to the worn-out and obsolete customs and feudalisms of four centuries ago. And the hon. Member for Bridport, and those who were called philosophical Radicals, and would wisely proportion the extent of popular suffrage, to the amount of popular education, were they not aware that till within the last seventy years printing presses were forbidden at Canada; that at this day the vast majority of the electoral population could neither read nor write, and that it often happened that a foreman of a jury could not give in the verdict from the inability to read it. Was this a colony fit for independence? Why, if it were a republic to-morrow, it would be a monster in legislation—half jacobinism, half feudalism. The noble Lord, the Member for South Lancashire, had said something relative to Whigs and Radicals which induced him to make one remark. He wished the House and the country to observe that it was the same small and isolated knot of Gentlemen, who, on the first day of this session declared so much contempt of the

Reform Bill, and so much hostility to the Government, who now differed also from the whole people of England in their sympathy for a guilty and absurd revolt. Whether those Gentlemen called themselves Radicals or not, the great body of Liberal politicians neither agreed with them in their policy for Canada nor their principles for England. In the one, whether Radicals or Tories, the vast majority of thinking men were equally zealous for the honour of England—equally concerned in her struggles — equally proud in her glory, or sorry for her reverses. In the other, the Liberals of that House and country were resolved, it was true, to maintain and enforce their sentiments, whether differing from the opposition or the government; but they were resolved to do so without ingratitude for past popular concessions—without a bigotted rancour for honest differences of opinion; and they and the people of these realms cordially rejoiced that that House supported her Majesty and her Ministers in this attempt to save Canada from the hell of her own factions, and to save the commencement of this reign from the contempt of Europe, and the melancholy retrospect of posterity.

Mr. *Grote* said, that he scarcely expected in a speech on the subject of a Bill for making a temporary provision for the Government of Lower Canada, to have heard a general and an unmeasured denunciation dealt out by the hon. Member for Lincoln against what he had been pleased to call a small body of Radicals. He could not help thinking, that the occasion taken for making that denunciation was as unseasonable as the tone of it was, in his opinion, undeserved, and improperly harsh and severe; and he also thought, that when the hon. Gentleman condescended to ridicule his hon. Friend, the Member for Bridport, for doing what he must have known his hon. Friend had never done in his life—that was, to call himself a philosophical Radical; the hon. Gentleman might have recollected that the words "philosophical Radical" which he had applied to his hon. Friend, were at least as respectable as the terms "literary Whig," which might be applied to other Gentlemen in this House. He would now pass to the subject immediately before the House, and he was very sorry indeed that he could not concur in those unmeasured expressions of gratitude in which the hon. Member for Lincoln had indulged towards her Majesty's Government; neither could he concur with him in thanking them on account of the proposed treatment of the colony of Lower Canada, nor on account of their having sent out troops to that colony, nor on account of the Bill which he now held in his hand. There was, indeed, one point on which he could express his satisfaction, and that was, on the choice of Lord Durham as being the Governor now going out to Canada; and he could also express his satisfaction at the announcement made of their intention to exercise clemency to those who had been engaged in the late revolt. With respect to those two points, he perfectly concurred with her Majesty's Government, and perfectly approved of their conduct. But it seemed to him, that when he had stated that, he had stated all the good that they at present proposed to do; because he could not consider, that the Bill before the House was, in the slightest degree, calculated either to harmonise with, or assist the effect of, the really good proceeding of sending out Lord Durham. The allegation upon which the preamble of this Bill was founded—and most certainly when they looked at the enactments of the Bill, the allegation ought to be well and sufficiently made out—that allegation was, that the House of Assembly could not be assembled without serious detriment to the interests of the province. He must say, that that allegation however emphatically asserted and laid down, had never been, to his satisfaction, made out. He did not see what harm the House of Assembly could do if allowed to meet. He thought there was every sort of chance that it might exhibit a much more harmonious and tractable spirit than ever existed before. Give him leave to ask the noble Lord how it was, that, when he sent out to the colony the announcement of the choice which he had made of gentlemen to fill the offices of Legislative Councillors, he had contrived, either by accident or design, that the news of the appointment should not reach the colony before the meeting of the House of Assembly, on the 8th of December. Had they given that body a fair trial? Did they know what its sentiments would have been when the appointments were declared? He had most carefully read the address which had then been agreed to by a majority of that House when it met, and also the amended address, which received the sanction of a large majority of that Assembly, and he found in each most remarkable internal evidence of a desire that such appointments should be made to the Legislative Council as would have permitted the Assembly to go on at least for a time in harmony with the Legislative Council; and he thought, that Ministers should have given a fair trial to the working of the Council with the new additions. If the experiment had failed, neither this country nor the colony would have been worse off; and if it had succeeded, Parliament would have been relieved from a serious difficulty, and from the necessity of imposing upon the colony a Bill which would not fail to produce a reluctant and irritated state of feeling throughout the province. He could see no necessity, when the Government and the Parliament had recommended that amendments in some parts of the Canadian constitution should be carried into effect, why the existing constitution should be suspended. He thought that hon. Gentlemen who advocated this course of proceeding, had not paid any attention to what took place in the United States, where conventions for the purpose of amending the constitution were of frequent occurrence, and where, because amendments were to be made, there was no interval without any constitution, but where the old constitution was allowed to go on till it was replaced by the amended one; and he could not, for the life of him, understand because the Government supported amendment, why, therefore, it was necessary for the people of the colony to pass through a year of purgation before they entered into the happiness of their improved constitution. He would say, improve the constitution by all means, but keep all the powers of the old constitution and the rights of the people alive till the new system be introduced. But by far the most important view in which this subject could present itself to the consideration of the Parliament was, would it aid or embarrass the proceedings of Lord Durham? Hon. Gentlemen who had spoken on this subject, seemed to imagine that it would lighten the difficulties of their present situation; but he must confess, that he entertained an entirely different opinion; for he conceived, that it would add materially to the trouble of mastering the difficulties, and they were very considerable, which the noble Lord (the Earl of Durham) would be called upon to surmount; and his opinion was founded on a deep consideration of the source of those difficulties, the discontent and mistrust which existed in Canada—discontent at the past, and mistrust as to the future. And was it possible to conceive, that the present Bill would not be received as an aggravation of that discontent and that mistrust? Let the House well consider that many moderate persons, who had disapproved of the first proceedings of the local legislature, disapproved still more of the resolutions of the noble Lord, and had since taken part with the opponents of Government in that colony; and ought they not to take warning from what had passed, and to take care that still further coercions did not alienate more of the moderate party? For if they disapproved so much of the noble Lord's resolutions, what would they think of the present Bill, which broke down the constitution in all its parts, and which struck dumb the whole province, by depriving it of the only legitimate source of making known its grievances? Would not discontent be thus aggravated; and when Lord Durham arrived at the colony, could they suppose that with all his talents and with all his character he would be received with satisfaction and content by the people of Canada? The success of Lord Durham's mission would mainly depend upon the opinion which the people would entertain of the intentions and the spirit in which he went out. Now, there were only two sources on which the people could found their belief and their inference; one was the Bill which he then held in his hand, and the other was the speech of the noble Lord, the Member for Stroud, on the first night of the debate, when he introduced the address to the Crown, and both the one and the other were calculated to lead to the belief and the inference that Lord Durham would go out animated by a spirit of rigour and coercion, and with little intention of administering that redress of grievances which was essential to the success of his mission. Hon. Gentlemen who supported this Bill seemed to rely on the benefits to be derived from a disconnected convention which Lord Durham was to call together. But what did the Bill declare?—why, "that in the present state of the province of Lower Canada the House of Assembly of the said province could not be called together," and it then forbids the assembly to meet, and if they could not be called together when they were designated the House of Assembly, how were the parties similarly chosen to meet when they possessed merely the altered character of a convention of delegates? Because the present state of the province was such that the representatives of the people could not meet without danger to discuss the condition of the province they were not allowed to assemble, and this reason, if of any value, would apply equally to the convention of delegates; and if it did not apply, the Assembly would not really be a convention representing the people. If they meant to succeed they must endeavour to meet the wishes of the Canadians; they might indeed calculate upon keeping down insurrection by a large military force, they might calculate on having under their thumb several of the popular leaders, who might fear the exercise of the law; they might calculate on subduing for a time the opposition of the press, but he would ask hon. Members if they could conceive a state in which the minds of the people would be more alive, and in which more discussion would arise than when active measures were announced, on the authority of the Government, for making important amendments in the constitution of the country. He had before expressed an opinion, which was not very favourably received in that House, but which he nevertheless sincerely entertained, that a separation between the colony and the mother country was the most desirable thing which could happen, both for the mother country and the colony. This was his opinion, however much it might differ from the sentiments of the House; and with a view to separation, he thought that nothing was so likely to lead to a separation as this Bill, which he viewed with great pain and regret, because he was anxious to keep alive the best feelings between the colony and the mother country; and when the hon. Member for Lincoln said that he anticipated a junction with America, he must say that he entertained a different opinion; but still he thought that nothing was more likely than the passing of measures of severity, which would lead to an alienation of the feelings of the Canadians, and than a forced connection with this country, to bring about a connexion between the United States and Canada. It must be observed also, that there was already the commencement of a feeling of sympathy, or an implied sympathy between the people of the United States and the Canadas; and they should bear in mind, that when the proposed remedial measures should have passed, the colonial convention actuated by a colonial and American feeling, they would be submitted for approval to that House, which was impressed with other and English sentiments, and in which there existed a strong fear lest, if they implanted the tree of liberty on the American shore, the westerly winds might by accident waft across the ocean some chance seeds which might flourish in this country. Such were the feelings and the fears which actuated hon. Gentlemen in this country, and the contiguity of the Canadas to the borders of the United States naturally led the people to participate more or less in American feeling and in American desires. And when the hon. Member for Lincoln talked of the conciliation which he had observed in the speech of the noble Lord, the Member for Stroud, he must confess that he did not recollect any such proposition; but he did recollect that the then hon. Member for Bath proposed a conciliation, which was distinctly rejected by the noble Lord, who declared that he would not concede a Legislative Council, neither would he consent to abolish, nor would he agree to its recomposition, with the view of rendering it more consonant with the feelings of the majority of the people. And if the noble Lord would not concede this little measure, how could it be supposed that he entertained opinions favourable to a still larger? And he was led to despair at, not to say distrust, the success of Lord Durham's mission when he knew the feelings entertained by the Legislative Council, from among whose Members, notwithstanding his necessarily personal ignorance of their merits, he would be obliged to select persons, who were to aid him in the improvements of the constitution. If Lord Durham were not allowed to sanction the appointment of an elective Legislative Council, he feared that Lord Durham would not be allowed to produce harmony of feeling and action between the Legislative Council and the Legislative Assembly; and if he were to produce harmony between them, he feared that the alteration proposed would be by eventually abrogating the representation of the people, and that it would be, not by bringing the Legislative Council into harmony with the Legislative Assembly, but the Assembly into harmony with the Council, by giving only the shadow of a Legislative Assembly, without its vitality or its substance; and at any rate he feared that his Lordship would not effect the purpose of his mission if he were surrounded by the Legislative Council, or were under the manacles and the shackles of the Colonial office here. For these reasons his views were not so sanguine as those of some hon. Members who had previously addressed the House as to his Lordship's success, or as it would have been if Lord Durham had been applied to to frame a constitution after his own inclination. He feared, from the tone of the speeches of many Members of the House, and from the endeavours which had been made to inculpate the Legislative Assembly and to prove that they had forfeited all right to the exercise of their functions, that the sentiments of that House were not such as to lead to contentment and satisfaction in the minds of the people of Canada. If they would have colonial possessions such as Canada, they had this difficult problem to solve, they had to maintain the supremacy of this country, and at the same time to give satisfaction to the Canadian people; and unless they could solve this difficulty, unless they could provide for both these things, it was idle to talk of the benefit of the colony, for if they would misgovern it, it would be necessarily costly and burdensome, and its retention would be an absolute loss without any gain. It was usual to make severe remarks on the speeches of what was called the Radical party in that House, and to speak contemptuously of the smallness of their numbers, but he was rather surprised thet if the Radical party were really so small and contemptible, that hon. Members should find so much in their speeches worthy of comment; but he must say of the speeches which had been delivered in that House, and which would alienate the feelings of the colonists, it was not the speeches of those who spoke for, but of those who spoke against them which were more likely to produce such a result. He could not conceive anything more likely to provoke hostility of feeling than the references which had been made during that debate, and than the idea of dealing with the Canadian people as a nation of serfs; and he would appeal to the House whether such allusions would not with more probability create a feeling of hostility to the English interests, than would what had been called the violent and inflammable speeches of the Radical Members. He hoped that hon. Gentlemen would lay well the difficulties of the case to their hearts, for he must express his conviction that the difficulties of the case would be much aggravated and embittered by that Bill. He had abstained from voting against the first reading of the Bill, after hearing the determination of the Government to send out the Earl of Durham; and he did not like to vote against it until he had seen its provisions, hoping to find in it some admixture of mildness and conciliation to weigh against the rigour, but in this hope he had been disappointed; he could see nothing in the measure but rigour and coercion; and feeling as the free citizen of a free country he repudiated it, and he feared that it would spoil the effect of Lord Durham's mission, and would dissipate the hopes which were entertained of its success.

Sir *E. B. Sugden* had listened with much attention to the grounds upon which the arguments against the measure were founded, and more particularly to the arguments urged by Mr. Roebuck at their bar, because that gentleman was considered to speak the sentiments of the House of Assembly, and was, moreover, supposed to be better informed on the subject than any other Gentleman likely to address the House. He could sincerely say, that he thus listened with a view to information, and not at all for the purpose of finding topics for cavil. It occasioned him, then, great surprise to find that in the speech made at the bar many of the most material features of the case were kept out of view — a circumstance which he must suppose to arise from the fact that Mr. Roebuck either regarded those topics as of no importance, or that he considered those which were the most material as so exceedingly important that he felt himself incapable of entering into that part of the subject. In any observations which he should have then to make, he begged at the outset to declare that he desired to abstain from a single word calculated to give pain to the French Canadians; he should rest no argument that he intended to submit to the House upon any such ground as the origin of any portion of the colonists, for he most strongly felt that no such ground should enter into the discussion, and for this, amongst other reasons, that he remembered it was for a particular purpose, that the two colonies were kept distinct. Whatever distinctions arose from origin, or from measures of legislation, or from any other cause, he wished to consider French Canadians precisely in the same light as British Canadians, and in every respect as entitled to claim equal protection. He thought, also, that the French Canadians were entitled to the entire enjoyment of their civil institutions grounded upon their feudal tenures. They naturally desired a continuance of their ancient institutions, and it was no reproach to them that the people of England should consider such continuance a disadvantage rather than a benefit. The prevalence of such an opinion in this country formed no bar to the right which the Canadians most unquestionably had to the full enjoyment of their old tenures. The fault which appeared to him to have been committed in relation to Canada was the imperfect nature of the attempt made to engraft the free institutions of this country upon the feudalisms of that colony. In introducing the constitution of 1791 there could not have been found a class out of which to form an hereditary Legislature. It must be remembered that Mr. Burke had looked forward to the formation of an hereditary branch of the Legislature there; and yet now, in 1838, not one hereditary legislator was to be found; no one thought of any thing of the sort. For this and for a variety of other reasons, he was of opinion, politically speaking, the constitution was not wisely imagined, and that it had failed. As matters at present stood, it only remained for Parliament to leave the tenures as they stood, and to engraft upon them the best system that they could. The scheme of Mr. Fox would most certainly not answer at the present day, his plan having been for an elective council; but what said the French Canadians upon that point? They objected to have their Legislative councillors elected for life, but on the contrary demanded that a certain number should go out annually, and regular elections take place to fill up the vacancies fixing the electoral qualification at 10*l.* an amount which appeared to find favour in other places as well as here. It was proposed also, that 200*l.* should be the qualification for the elected, though at the same time it was thought by the colonists that, considering the general practice of America, the latter qualification was unnecessary. He need no further touch upon topics of this class, the main consideration for Parliament was this—had the House of Assembly placed themselves in such a position as that a measure like the present became necessary? He was far from saying that revolt in the abstract could make it requisite. If there were nothing but revolt, he should at once say, strengthen the hands of the Legislative Council and House of Assembly; but it appeared to him, that the revolt had grown out of and been occasioned by the act of the House of Assembly. Now, he should proceed to show, that in 1791 there had been an attempt made to imitate the constitution of this country, and what at present arose out of this was, that the House of Assembly demanded to have a Legislative Council elected by themselves, and they insisted further upon all their original rights, and upon being placed in the same situation as the mother country. They desired a breach in their own charter—they desired to have an elective council and what did they intend to do with that when obtained? Why, the Executive Council and governor would thenceforward be under the control of the local Legislature. They desired a power of impeaching the governor, and removing the ministers of the executive. Now that demand was perfectly absurd, and the Canadians should recollect, although it was our bounden duty to cherish connexion and treat them with all the kindness which a parent state should evince towards her colonies, the Canadians should recollect that the British Crown was the superior; that we had by conquest, by treaty, and by possession, the right, which no doubt should ever be exercised for their benefit, of Sovereign dominion over the colony. They desired an elective council in order that they might have the power of impeaching the Governor before that body; they also desired a power of impeaching the judges—a very proper thing in itself no doubt—but how was it to be carried into effect? They said, first give us an elective council and we shall have the power of carrying the Governor before it by way of impeachment, and also of carrying the judges before that elective council, by way of impeachment, and we shall be satisfied. He declared, after the best consideration he could give to this question, when they talked of the independence of the judges, he admitted they would make the judges free from the control of the Crown, but they would make the judges deeply responsible to the Canadians and place them under the control of the popular branch of the Constitution. The judges should be as free from the shackles of the people as from the power of the Crown. No one could ever be a judge to hold fairly the scales of justice and administer fearlessly what he believed to be the law between the Crown and the people, unless he was as independent of the one as of the other. He maintained, therefore, when the Canadians desired that the judges should be free from the power of the Crown, but under their own control and dominion, they were not sensible of the first principles of justice, and totally unaware of the great perils they would draw upon themselves if their wishes in this respect should be complied with. The Canadians had a practical proof of this before them, for the moment the revolt broke out they disclaimed all the authority of the courts of justice, and erected what they called family tribunals, to which people were desired to resort under severe penalties in order to arrange and settle their disputes. Either there must be the greatest grievances connected with the administration, amounting to a positive failure of justice in the colony, which grievances should at once be sifted, probed to the bottom, and remedied, or the people of Canada were insensible to the great benefits of their judicial institutions resting on a solid foundation. It was impossible, therefore, that the demands of the Canadians, as regarded an elective council, an executive council, and judicial officers, under the control of the House of Assembly, could for a moment co-exist with the dominion of this country or with the happiness, the peace, prosperity, and comfort of the Canadians themselves. Let it not be said they were the best judges of what would be to their own benefit. He denied that men in a state of excitement, like the Canadians at present, could be considered as the best judges of what would be for their own permanent advantage; and third persons, who knew the facts, with kind feelings towards the colonists, were much better able to point out benefits which they themselves would be willing to accept at a later period, although they might repel them at the moment when first suggested to their minds. But, passing from the demands of the Canadians in that respect as utterly inadmissible, he would only observe on that part of the case in which the House of Assembly demanded that their Executive Council, Cabinet, or Privy Council, should be under the control of the Legislative Assembly, in imitation, as they said, of the control which this country exercised over her Majesty's Ministers, it was founded in a total mistake. There was no law in this country which made Ministers responsible to that House in this sense. If they misconducted themselves to the amount of great crimes and misdemeanours, they might, no doubt, be impeached; that, however, arose not from any positive law on the subject, but from the force of public opinion as represented in that House. And when they sought by some law to render the Executive Council amenable to the House of Assembly, so as to make the former removable at once, if the latter did not approve of them, he for one would say it would be absolutely impossible for government to go on for a single week under such a system. Another most important question related to the purse. That point required the greatest consideration; they should be quite sure they were right upon that subject. Because, granting the Canadians a free constitution, a House of Assembly representing the people, if they withheld from them the dominion of the purse unjustly, it would amount undoubtedly to a great grievance, and he should not be surprised if an outbreak were the consequence. The House was of course aware that a great part of the revenues of the province had always been under the dominion of the Legislative Assembly. There was never any question as to the local revenue; the only question was as to the duties of 1774, and the casual and territorial revenues. The House of Assembly, as he read the evidence given before the Select Committee of 1834, did not rest their case, as Mr. Roebuck had done, on Lord Dorchester's message, nor did they put it as the hon. Baronet, the Member for Leeds, had to-night, on Lord Aylmer's dispatch; they demanded the control over the revenues of the province as a matter of constitutional right. Lord Aylmer's dispatch did not touch the point. As regarded the casual and territorial revenues, he defied any one to raise a question, unless it arose upon the message of Lord Dorchester; for when the French Crown ceded all its rights to the Crown of England, the right of the lands, the casual and territorial revenues vested in the Crown, precisely as the landed property, in this country called her Majesty's Woods and Forests, were vested in the Crown. It was asked if they insisted on it as private property of the Crown? No, they said no such thing; it was not sought to put a shilling of it into the privy purse; it was to be dedicated to the purposes of the colony; but the right of the Crown was indubitable. It belonged as much to the

Crown as any property any private gentleman possessed belonged to him, with the difference of course which existed, and must always be recognised, between private and Crown property. Acquired by conquest and treaty, it now belonged to the Crown. Every one of the acts of Parliament recognised it as such; the act of 1774 contained an express provision that nothing in it should at all be deemed to affect in any manner the landed property belonging to the Crown; in like manner the act of 1791, so far from treating these revenues as under the power of the Assembly, contained an express prohibition against the Assembly dealing with these funds without being first mentioned in an address sent over to this country, laid on the table of both Houses of Parliament, and if either House addressed the Crown praying that such a bill might not pass, the power of the Crown to give an assent to that bill was taken away. There never was a clearer case; in all dealings with the colonies the property was treated as vested in the Crown. Did Lord Dorchester's message, then, take it away? That message, he confessed, was somewhat ambiguous; he was satisfied upon it himself, but he should like to have it a little more explained. First of all, it was to be observed, that there had been no claim upon that message for a very long series of years. In 1834 the claim was put on constitutional right, not on any message. Then nothing had ever been done to divest the Crown of that property. Considering, therefore, that there had been during that period no renunciation of the right on the part of the Crown, and no vesting it in the colony, he did not see any sufficient ground in the message for vesting it in the colony. What was done in 1774? When this country acquired Canada, we found duties imposed on all wines imported into Lower Canada, and all dry goods exported and imported. Imposed by whom?—by the simple will and power of the French King. When we came to regulate Canada, those duties were repealed, and by an act, not of the King but of the Imperial Legislature, new duties were imposed—not to be put into the coffers of the British treasury or privy purse, but to be specially dedicated to the expenses of the judicial establishment, and the civil government of the province. In 1831 Lord Ripon's act placed the disposition of these funds in the legislature of Lower Canada. He must say, with every disposition to act fairly towards the Canadians, but with a determination to place every thing on its right footing, he thought there was no ground for charging them with any direct breach of good faith in reference to that act. He did not think they had entered into any direct undertaking that on condition of the surrender of the revenues, they would grant a permanent civil list, although a promise, an engagement, to that effect had undoubtedly been held out by those supposed to represent the opinions of that people; but the control was granted on the notion and belief that they would do so; and the noble Lord who brought in the bill then stated, that if the Lower Canadians should not grant a civil list, the revenues would remain as they were before, under the control of the Crown. A very important question for the consideration of the House arose upon that act. Before the bill of 1831 those funds did not belong to the Crown, although they were receivable by the Crown without any right of intervention on the part of the Assembly of Lower Canada, and they were dedicated by the imperial act of 1774 to paying the judicial establishment and civil government of the province. The question then assumed this shape—he had heard it stated that the act of 1831 repealed that of 1774. It did no such thing; but, reciting the act of 1774, which vested the duties in the Crown, subject to their disposition for the judicial establishment and civil government of the province, it said it was desirable to make further provision, and then it was enacted that those sums should be within the disposition of his Majesty, with the advice of the Colonial Legislature. The funds fairly and fully being submitted to the control of the House of Assembly in case they provided a permanent civil list, if, after due time had elapsed, the Colonial Legislature did not avail itself of that offer, the question was, whether in default of any other arrangement the funds were not still applicable to the maintenance of the judicial establishment and civil government of the province. He should feel no difficulty in repealing the act of 1831, with this proviso, that if the Colonial Legislature should at any time provide for the civil government and judicial establishment, then, during the continuance of that provision not only the duties of 1774, but the casual and territorial revenues, should be under the disposition of the Colonial Legislature; he would give them the power, if they chose to avail themselves of the full disposition of these revenues. It was most important in discussing this question that they should consider whether there was any well-founded complaint on the part of the House of Assembly as to that part of the case in which it was complained that they had not made a permanent allowance by way of providing for the judicial and civil establishments. They desired in words that they should have all the benefit the mother country possessed in point of representation and power over the purse. Now, if they would be content with the power which that House had—if they would take the House of Commons for a pattern, they would at once provide for their civil and judicial establishments This country did nothing so absurd as to leave its civil and judicial officers who fairly performed their duties without salaries. If honour had nothing to do with the question—if it were a mere question of self-preservation, no people of common sense would leave their judicial establishments exposed to all the influency of poverty. The first thing a free people thought of was not simply to place their judicial officers on a footing of perfect freedom, but with character and station to afford them the means of keeping up external appearance suitable to their dignity in communicating with the great body of the people. He looked upon this question as one of the most vital importance. Having heard Mr. Roebuck at the bar, it was their duty to show the House of Assembly that they had been compelled to refuse their claims upon no slight or unimportant grounds. He was glad that the debate had been an adjourned one in order that Members might have the opportunity of fairly and fully stating their opinions upon it. It would be a disgrace to them if they allowed a bill of such a nature as this to pass as a matter of course, and that because a revolt had broken out in Canada they must take away the free constitution of the people in that province. But he supported this bill because he believed that a suspension of that constitution for a time was the only mode of saving to them the free constitution which he wished them to enjoy. He for one was prepared to give as free a constitution to the people of Canada as they were capable of enjoying. With respect to the Tenures Act, there could be no doubt it was an unwise act, made without a sufficient knowledge of the subject, and which never ought to have been made at all. It was a subject for local legislation. He should be perfectly ready to repeal it, simply reserving to all parties the rights they had acquired under it: thus they would show the Canadians that where there were grievances they were determined to remedy them. Although he would not say they should force on the Canadians a mode of tenure they did not desire, still if the Assembly insisted that the Crown had no right to grant land in free and common soccage, they were wholly wrong, for the Crown had always reserved explicitly the right to make such grants. In the act of 1774, and in that of 1791, there was an express enactment that all lands theretofore granted and thenceforward to be granted by the Crown in fee and common soccage should be supported and upheld. From first to last this country, dealing with the Canadians and granting them a representative constitution, had taken care to reserve that right to the Crown. Upon the whole circumstances of the case his reluctant opinion was, that the House of Assembly having refused the supplies after obtaining the act of 1831 had done it factiously—he did not use the word offensively—they had done so with an indirect purpose, not for the redress of any wrong, but for the assertion of a right which did not belong to them, and which, if conceded, would destroy the connexion between this country and the Canadas. In this country the stopping of the supplies was the exception, and not the rule. The Canadas, on the contrary, had made it the rule, and not the exception. And it was upon that ground that he justified the vote which he was about to give in support of the present measure. At the same time, he would not conceal from the House that there were many parts of it which he disapproved of entirely, and which, in the Committee, he should use his utmost endeavours to amend. Nor must he, in supporting this Bill, be considered as approving of the conduct adopted by her Majesty's Ministers towards Canada since the passing of the resolutions of last Session. In his opinion that conduct was open to great and just blame; but he refrained from saying a word on that subject at present, further than to protest against being supposed to approve of their conduct because he gave his support to the present measure. The hon. and learned Gentleman then sat down amid general cheering.

Mr. *Labouchere* assured the House, that he did not rise at that late period of the evening to prolong the discussion on this measure; but as he had taken part in every discussion which had occurred upon the affairs of Canada since he had had the honour of enjoying a seat in that House, he was unwilling to give a silent vote when a measure of such vital importance to its future condition was proposed to the consideration of Parliament. He had listened with the greatest delight and satisfaction to the excellent speech which had been delivered by the hon. and learned Gentleman who had just sat down — a speech, of which he must say, that, so far as it related to the legal tenures of Canada, it was worthy of the high professional character which the right hon. and learned Gentleman had acquired for himself, but which was entitled to lasting praise on the still higher ground of having stated the opinion of a British senator in that free, liberal, and conciliatory language, which represented the feelings of the great majority of the Members of that House, although they might differ on some minor points arising out of the subject itself. He thought that nothing could be more unjust than the imputation which had been thrown upon the House by the hon. Member for the City of London, when he said, that, in the observations which had fallen from hon. Members on both sides of the House, language had been used most harsh and unwarrantable towards the Canadians, who had been spoken of as if they were serfs and inferiors, whom we were not bound to consider with the same regard in our legislation as we would consider other subjects of the British empire. He was sure, that if any expression which could bear such a construction, had fallen in the course of debate from any hon. Member, it would have sounded harsh and grating upon his ear; but, having listened with the utmost attention to every word that had been uttered in this debate, he must say, that nothing had given him greater satisfaction than the tone in which every hon. Member, without exception, who had yet addressed the House, had expressed himself with regard to the rights to which the colonists of this great empire were entitled. He believed, that when this debate went forth, as it would do to the colonies, the tone of it would produce as beneficial an effect among them as any legislative measure which the House could enact on their behalf. He had said, that he had listened with the greatest delight and satisfaction to the speech of the right hon. and learned Gentleman. There were many of his observations in which he cordially concurred; but there were also some of them from which be was compelled to withhold his concurrence. But as it was not the business of the House to discuss at present the possible changes in the constitution of Canada which might be suggested at a future period, and as those changes, when they were suggested, must undergo full discussion in both Houses of Parliament, he would reserve what he had to say upon them for the proper period of their discussion, and would refrain from entering upon them at present. He had seen no reason to alter the opinions which he had formerly expressed when this subject was under their consideration. He was sure now, as he had ever been, that any constitution fitted for the Canadas, must be founded on the broadest principles of liberty. For his own part, he would not assent to any measure which would permanently deprive the Canadians of a constitution founded on those principles of liberty, although he felt himself compelled, by the necessity of the case to suspend the constitution which they enjoyed at present. The hon. Member for the City of London had said, "Why not summon the House of Assembly again, and allow the constitution of Canada to remain in full operation?" That "why" he would meet with a distinct "wherefore." The proposition was impracticable, for there was a wide distinction between leaving the constitution of Lower Canada in full operation under the present House of Assembly, and suspending it for a time, until that Assembly was better regulated. To suppose that the calling that House of Assembly together, *flagrante bello*, could be productive of any beneficial result was a notion which, though it might enter the head of the hon. Member for the City of London, could scarcely be entertained for a moment by any practical man, who looked calmly and deliberately at the working of human affairs. It had been urged, as an objection to this measure, that the Earl of Durham was going to Canada with the powers of a dictator, to frame for it a new constitution. He asserted that this was not the fact, on the contrary, it appeared to him that the most valuable part of this measure was that part of it which went to give the colony the guarantee, not only of her Majesty's Ministers, but also of that House; that it was their intention permanently to revert to that system of constitutional government, which was the only one that was practicable and feasible for so great and important a community. He begged to state distinctly, that, though no one could attach more importance than he did to the continuance of the connexion between the Canadas and this country, though he thought it would be a positive loss of strength and reputation to us to have that connexion dissevered, though he was determined as far as in him lay to maintain the integrity of the British empire in all its parts, though he thought it was the duty of the country to assert its supremacy over all its colonial dependencies, yet if it could be proved to him that we could not maintain them as colonies of freemen, he would rather give them up at once and for ever, than incur the danger, the folly, and the disgrace of endeavouring to govern a large portion of the British Empire on such unworthy principles. He looked forward, however, to the future administration of the Canadas with some anxiety, but without any feeling of despondency. His humble advice to the Government during all these unfortunate differences had been invariably this—to persevere to the utmost in a mild and conciliatory course, and to despise the taunts of those who were for ever calling for what they considered vigorous strokes of authority. So far was the course of events from proving that he was wrong in giving that opinion, that it had absolutely confirmed him in the propriety and policy of it. The country was now reaping the reward of that conciliatory conduct. He had always thought that if that line of conduct were perseveringly pursued, and if the unreasonableness of the leaders of the House of Assembly should, notwithstanding, break at last into open rupture, Parliament would have in the first place the support of its own consciousness that it had done all it could to avert the crisis, and in the next place the sympathies and verdict of the civilized world in its favour, which in the present enlightened state of public opinion was no mean support to any Government. Much had been said last night by the hon. and learned Gentleman who appeared at the bar respecting the United States, and the effect which this contest with Canada must of necessity produce there. As one who valued extremely the importance of our continuing on good terms with that great and flourishing republic, he had observed the manifestation of public feeling on this subject there with great satisfaction. It was natural that the late events should have produced some excitement in the United States; but as far as he could judge of the state of public opinion there, from the statements of the public press and from the declarations of their public men, the opinion of the United States was, that Great Britain had acted a fair, an honourable, and a just part, in her present contest with the Canadas; and he believed that there was not a single American who would not feel it to be a most foul libel on the immortal achievers of their independence, their Washingtons and their Franklins, to have them compared with the leaders of the present Canadian revolt. To what did he attribute this state of public opinion in the United States? To this—that ever since the year 1828, all the administrations which had succeeded each other in this country had been anxious to do justice to the Canadas. He did not mean to say, that all they had done had been right; no—all of them had made some mistakes; it was only natural that at the distance they were from the scene on which their measures were to be tried they would make some mistakes; but no one who was desirous of getting at the truth, and who had attentively watched the course taken by the different Administrations to whom the affairs of Great Britain had been intrusted since 1828, could deny that they had one and all wished to do justice to the Canadas. This was the feeling, the general feeling, of the Canadians themselves. In former times he had himself been well acquainted with the opinions entertained by their leading politicians. He had been acquainted, well acquainted, with those gentlemen who came from Canada in 1828, to represent to the Colonial Department the grievances under which they then considered themselves to labour. He had never seen men who took a more honourable and justifiable pride than they did in the country which had given them birth, or who had a warmer or better founded attachment to free institutions, or who would more strenuously resist anything which they considered an infringement on that free constitution to which they were by birth entitled. And he had, therefore, great pleasure in informing the House, that two out of three of them, and he believed all the three, had taken a decidedly active part in supporting the just claims of England against the arrogant pretensions of the House of Assembly. He felt deeply indebted to the House for the patient attention with which it had listened to his observations; it was not his intention to trespass much longer on its indulgence, but he could not help addressing these few words to it on a measure so deeply affecting a colony with which he had been so intimately connected. Whilst he stated that he entirely concurred in the propriety of the course taken by her Majesty's Government to suppress the revolt which had unfortunately taken place in the Canadas, he could not help adding, that when he heard Mr. Roebuck representing to the House last night at the bar that this was the case of a colony goaded into revolt by the measures of the mother country, it was an attempt to mislead the House and the country, which could not fail to excite the disgust of all who knew any thing of the real circumstances of the case. They had all either heard or read of the speeches made, and the resolutions passed, by the House of Assembly—they had all heard or read of the speeches made and the resolutions passed at the different district meetings of Lower Canada—they knew that there had been drillings of troops, acquisitions of arms, meetings by night, processions by day, and all the preparations for war in time of profound peace. Of all these things Mr. Roebuck said not a single word—he passed them over in silence as prudent as it was complete, and yet no Government, worthy of the name of Government, could hesitate for a moment about putting such things down, when once they were brought under its notice and attention. The hon. Member concluded by expressing his gratitude once more to the House for its attention, on which nothing but a sense of duty would have induced him to trespass so long.

Mr. *Gladstone* thought it nothing more than a debt of justice to the hon. Member for the City of London to acknowledge the candour and fairness with which the hon. Member had stated both now and formerly the strong opinions which he entertained on this question, and the consistency with which he had urged them both in good and in ill fortune. When a month ago the intelligence received from Canada was, so far as regarded the success of the British arms, of an equivocal character, the hon. Member calmly and deliberately avowed it to be his opinion that we ought to resort to a separation from Canada as the best mode of putting an end to the differences between us; and now, when the news was of a very different character, and when it fully established the triumph of the British arms, the hon. Member in the same calm and deliberate tone, and without indulging in any asperity or violence of language, came frankly forward to maintain the same opinion. How well did the consistency of his speech on the former, with his speech on the present occasion, contrast with the wonderful difference observable in the speeches made then and now by the hon. Member for Leeds, the hon. Member for Cornwall, the hon. Member for Kilkenny, and the hon. Member for Westminster? What was the burden of the song of those hon. Members before the recess? We heard of nothing from them but the certainty of British defeat, and the confiscation of British property—we heard of nothing but instructions how the insurgents were to fire to inflict the greatest loss upon the British troops—we heard of nothing but the curses and the execrations which would be the doom of the British Government if they dared to maintain in either of the Canadas the supremacy of British authority. Where were all those boasts and assertions now? Vanished into thin air, not on account of their injustice and falsehood, but on account of the different aspect which the intelligence contained in the newspapers of the day gave to the revolt in that colony. Those hon. Members talked of the vacillation of her Majesty's Government. They to talk of vaccillation! They to accuse her Majesty's Government of vacillation! Before they used that word again, let them, for their own sakes, look at home. They proposed one day the separation of the Canadas from the mother-country, and the next, when intelligence arrived from the colony proving that there was no desire for such a separation entertained there, they were struck suddenly dumb, and no such proposition issued from their lips. If this were consistency, he should like to know what constituted inconsistency. If this were not vacillation, he should like to know of what tortuosities of language and of conduct it was composed. He should not know how to account for these discrepancies between the professions of one day and the professions of the next, if he did not recollect, that they proceeded from that new school of morals which taught that success was the only criterion of merit. There was only one point raised by the hon.

Member for Leeds in his speech of that evening respecting the grievances alleged to have been sustained by the inhabitants of Canada which had not yet been raised in the debate. That point admitted, as he conceived, of a very plain and easy reply; and with the permission of the House he would then proceed to afford it. The hon. Member for Leeds had said, that the judges in Canada were not independent—that the House of Assembly, seeing the impropriety of leaving the judges in a dependent situation, had passed a Bill to render them independent—and that that Bill, on being referred to the authorities in England for approval, had been rejected by the Secretary of State for the Colonial Department. Those hon. Members who advocated the cause of the House of Assembly were never tired of declaiming against the ignorance which, according to them, their opponents displayed of all Canadian affairs. They must really conceive the ignorance of their opponents to be as gross as they represented it to be, or they would never dare to employ arguments, he would not say so inaccurate, but so totally unfounded. What were the facts? It was undoubtedly true, that the House of Assembly had passed a Bill providing nominally for the independence of the judges. But what was the other provision contained in that Bill? It established a court of impeachment for all public officers, with which he imagined that the independence of the judges had no natural connexion whatsoever. Moreover it asserted the claim of the House of Assembly to dispose as it pleased of the hereditary and territorial revenues of the Crown, to which the House of Assembly had no legal claim at all. Thirdly, it made no provision for the permanent payment of the salaries of the judges, although it nominally asserted their independence; so that, if from mistaken policy it had been assented to, we should have had the judges made independent of the Crown, whilst their salaries were to be voted as before year after year by the House of Assembly. Whilst he was listening last night to the speech made at the bar by Mr. Roebuck, on behalf of the House of Assembly, he certainly did expect, from its commencement, that Mr. Roebuck was about to advance much higher claims than those on which he afterwards rested. But when he compared the lameness of his peroration with the magniloquence of his proemium, he could not refrain from asking, with the Latin poet,

> "Quid dignum tanto tulit hic promissor hiatu?"

He threatened to indict her Majesty's Government of sundry high crimes and misdemeanours, and yet the only parties on whom he pressed with any degree of severity were his own peculiar Friends and supporters. "Here," said he, "am I standing alone against hundreds of Members." Alone! Had the hon. and learned Gentleman then forgotten the Friends and allies whom he had in the hon. Member for Leeds, in the hon. Member for Bridport, in the hon. Member for Westminster, in the hon. Member for Cornwall, and, to complete the climax, in the hon. Member for Kilkenny, who was in himself a host, as he took care to speak on this question every night, and who only last night had made a speech upon it for the mere purpose of telling the House that he had nothing at all to say about it? What, he would ask, was the nature even of the hon. and learned Gentleman's own argument on this question? It was twofold. He argued first, that the House of Assembly had an absolute claim to the disposal of all the hereditary and territorial revenues of the Crown; and next, that as the Legislative Council was either incompetent or unwilling to administer the affairs of the colony, the House of Assembly was entitled to demand an organic change in the constitution of that Council. Now, after what had been so well urged last night by his hon. Friend, the Under Secretary for the Colonies, and again tonight by another hon. Friend of his, in explanation of the real nature of Lord Dorchester's messages to the House of Assembly, he would not enter into that discussion further than to say, that even the passage which the hon. and learned gentleman had himself read did not bear out the construction, or rather the assumption, which he had put upon it, and that the hon. and learned gentleman must have calculated largely on the inattention and carelessness of the House when he read the passage and said that it did. That message merely adverted to the application of the revenues of the Crown to the purposes of the colony—it merely stated, that the manner in which they were appropriated to those purposes should be laid before the House of Assembly, but it did not contain a single word about the unconditional surrender of them to that body. The history of our country would not have justified such an absolute surrender of them to the people, and was it likely, he would ask, that the Governor would, of his own accord have placed the Commons of a new and recently conquered colony on a better footing with regard to the Crown than that possessed by the Commons of the United Kingdom? If the Governor had placed them in that situation, was it likely that different Houses of Assembly would have allowed subsequent Governors for so many years to act as if no such surrender of revenue had been ever made to them? He would next look to the conduct of the Legislative Council. Mr. Roebuck had mentioned two cases in which Bills passed by the House of Assembly had been rejected by the Legislative Council on account of their alleged incompetency to conduct the affairs of that colony. Here he would remind the House that the Legislative Council was placed in the exact situation in which Mr. Roebuck had complained that the House of Assembly would have been placed, had the House of Commons not consented to hear him at the bar. It was hard that its chance of defence should be left to those who were all but its uninformed and uninstructed advocates; but it was fortunate enough, that even upon the showing of Mr. Roebuck himself it was impossible to make out a case against the Legislative Council. The first Bill to which Mr. Roebuck alluded was a Bill to amend the law affecting mortgages. It was true, that the Legislative Council had thrown out a Bill which was framed for the purpose of introducing into the colony the *lex stelionati*. Now, that law presupposed secrecy in the imposition of mortgages, and the object of the Legislative Council was to have a system of open registration. It therefore declined, and, as he thought wisely, to pass a Bill which, though an amendment on a vicious system, was still a part of it, and which must be got rid of entirely before a better system could be introduced. The second case was that of a Bill called, he believed, the Parish Officers' Bill, enabling the inhabitants of the various townships and parishes to elect local officers from their own body. What were the proceedings of the Canadian Legislature in reference to that measure? A Bill, enabling the inhabitants of these townships to elect local officers, passed the Legislative Council, was sent down to the Assembly, and was sent back in an amended shape to the Legislative Council, who rejected it. But what were the provisions of the Bill? He thought the House would be surprised to hear, that the Bill sent back to the Council contained a provision, which, in fact, went to establish a system of election for justices of the peace. By the second clause it was proposed to be enacted, that it should be lawful for the freeholders present at every such meeting, by a majority of votes to choose by ballot, or otherwise, one person to be clerk to the township or parish, and also to recommend one or more persons, being resident freeholders, to be justices of the peace in the said township or parish. Undoubtedly this provision would not at once take out of the hands of the Crown the prerogative of appointing justices of the peace; but surely if such a system had been established, the practice would, in process of time, have become exactly equivalent. Such a system would have been attended with all the evils of a popular election of magistrates, and he put it to the House whether the Legislative Council were not perfectly justified in throwing out a Bill containing a provision so obnoxious. Other grievances had been stated as affecting the Canadians, but with regard to those already mentioned, it was pretty clear that they formed no ground which should deter the House from pursuing the course they were now called upon to adopt. The bankruptcy of the judges was alleged to be a serious grievance, but though he had made many inquiries, he had not been able to learn that such a case as that of the bankruptcy of a judge had ever occurred. Undoubtedly there had been recent cases of judges being embarrassed in circumstances, and deeply in debt, but, he asked, was not that the natural result of the course which the Assembly themselves had taken? It was quite impossible that anything else should take place when the Assembly had for a series of years withheld the hard-earned payment of their laborious services. Then, again, the bankruptcy of the Receiver-General was said to be a grievance, and he was ready to admit, that if the province were likely to suffer injury from such a state of that officer's affairs, the bankruptcy would amount to a grievance, and the colonists would have a fair claim to be indemnified. But what were the facts of this case? The Receiver-General was a defaulter to the extent of 96,000*l.*, but his estate had been made over to the treasury of the province, and a sum of 150,000*l.* had been at one time offered for it. If, in the present condition of the country, the estate were not disposable, if a purchaser could not be found when the proceedings of the Assembly had disturbed the public peace, and ruined for a time the public commerce, surely that circumstance could not be made the foundation of a charge against the British Government. It was said, again, that the resolutions passed by that House in the course of last Session were grievances. Undoubtedly, if there were many substantial grievances oppressing the Canadians before, if these resolutions were considered as affecting a provincial Legislature which was in itself unimpeachable in its conduct, they were really grievances; but if the provincial Assembly were in the wrong before, these resolutions could not possibly put them in the right. With respect to the charges against the Legislative Council, they had never been substantiated, nor was there any plausible ground for them. The Council had not been called upon by the people to pass any particular act, and had refused; but all its acts had been backed by the Government at home, and approved by that House. The accusations against the Council, therefore, must fall to the ground, and no part of its proceedings afforded any reason for fundamentally changing its constitution. Some hon. Members had contended, that because the Legislative Councils existing in several of the New England States while attached to the dominion of this country were elective, the same form of constitution could be safely and advantageously introduced into Canada. It appeared to him that the cases were by no means parallel. At the time when those councils existed, no example had ever been set of severing the bonds of connexion with the mother country; the principle of subjection to Government was much stronger than at present; there was no powerful neighbouring state of whose revolt the American colonies had the example before them, and with whom they might unite themselves; there were no elements of hostility between two great classes of the population, which rendered it difficult for them to secure internal harmony, and conduct their Government on principles of beneficent justice to all. These were differences of great moment,—differences which totally destroyed the apparent similarity of the cases. He would even go the length of asserting, that it was probably owing o the want of Legislative Councils in some of these states, or to the form of their constitution in others, that there was no rallying point for those disposed to maintain British connexion; and that the colonists, in consequence, came precipitately to the resolution of declaring their independence, and abandoning that connexion. These circumstances afforded an ample justification for originally establishing a Legislative Council in Canada, and because none of its acts, since its establishment, constituted any substantial grievance, there were ample reasons for continuing it. One other statement which assumed even the form of a grievance of the Canadians had been made in the course of that evening, and that regarded the present state of the jury law in Lower Canada. It was said that the jury law, which was intended to secure the freedom and increase the privileges of the people, had become the instrument of their oppression. What were the real facts that concerned this matter? In the first place, with respect to the actual state of the jury law, the House might judge which party was the most oppressed by it from a dispatch of Lord Gosford, dated 5th October, in which he stated that the grand jury, in defiance of the strongest evidence, had ignored bills of indictment preferred against several persons in the county of Two Mountains, for a conspiracy to drive out of it two inhabitants who held opposite political opinions, and that the Attorney-General in consequence had been obliged to file *ex-officio* informations against them. In a passage of a dispatch from the noble Lord, dated 12th of October, were found the following words:—

> "Judging from recent events, in the little probability, even if evidence of sufficient weight could be procured to arraign the offenders, of a jury taken from the district of Montreal finding bills and convicting on them."

He found the magistrates of Montreal making a similar statement at a meeting held by them:—

> "That it is the opinion of this meeting, that

turbulent and disaffected persons, inciting the peasantry to rebellion, would not be declared guilty by any jury called in the ordinary course of law."

Such was the state of that law which was declared to be an instrument of despotism in the hands of Government. A bill, introducing several alterations in the law, passed the House of Assembly, and was amended by the Legislative Council; but, on being sent back to the House of Assembly, it rejected the measure without even demanding a conference; and with that House rested the responsibility of that step. He had now gone through all the allegations of grievances put forward by those who appeared as the advocates of the insurgent colonists, and he thought he had sufficiently shown the hollowness of their pretences. But it was said, and the statement, though it could not be interpreted into a practical grievance, was calculated to create an impression favourable to the justice of the rebel cause, that the United States were prosperous and flourishing as an independent community, while the energies of Canada were crippled, her commerce fettered, the developement of her resources retarded by her connexion with Britain. They were told of the rapid progress of the American colonies of Britain when emancipated from her sway, as compared with the slow rate of their advances before. He, indeed, believed that there was no more remarkable example in history of speedy advancement in all that constituted the greatness of a nation than was furnished by the career of the American colonies of Great Britain, now forming the United States, during the past century. As one remarkable instance of their prosperity he might mention that the duties collected at Philadelphia advanced in fifty years from 25,000*l*. to 500,000*l*. But the foundations of the power and grandeur to which these colonies have obtained were laid by the fostering care of Great Britain during the term of its dominion, and it was under the protection of this country that their infant resources were allowed to expand. The benefits which they received from the rule of the parent state were thus described by Mr. Burke in his celebrated speech on American taxation:—

"Their monopolist happened to be one of the richest men in the world. By his immense capital, primarily employed not for their benefit but his own, they were enabled to proceed with their fisheries, their agriculture, their ship-building, and their trade, too, within the limits, in such a manner as got far the start of the slow languid operations of unassisted nature. This capital was a hot bed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce and their cultivated and commodious life, but they seem to me rather ancient nations grown to perfection through a long series of fortunate events and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday; than a set of miserable out-casts a few years ago, not so much sent as thrown out, on the bleak and barren shore of a desolate wilderness, 3,000 miles from all civilized intercourse."

Surely it stood to reason, proceeded the hon. Member, that in the infancy of a country it was far better that it should be connected with an old nation, where capital existed in abundance, where the habits of men had been matured by the influence of long-established civilization, and the resources of social life had been fully called into action, than that it should be left to itself to struggle unaided with the difficulties inseparable from an early stage of society. Such had been the case of Canada, and what was the real rate of her progress which had been represented as so slow. If compared with the United States, its advance in prosperity was found to be even more rapid. In 1775 the population of Canada was but 60,000. It now amounted to 600,000, having been multiplied tenfold since that year. At the commencement of the American war, the population of the United States was 2,500,000, and now amounted to 15,000,000, having increased six-fold. How did these facts agree with the statements of the advocates of the insurgents, who attempted to persuade the world that Canada had made no progress and had derived no benefits from its connexion with this country. Did hon. Gentlemen recollect the progress which New South Wales had made, notwithstanding the peculiar disadvantages under which it laboured? Against these facts it was impossible to contend, and he was justified in dismissing at once the supposition that the progress of Canada had been retarded by its subjection to Britain. If, therefore, it were true, as he believed it was, that the grievances alleged by the Canadians as an excuse for rebellion could not be substantiated, and if there were any defects in the internal constitution of

Canada, or any hardships in the working of the administration, they were manifestly such as the provincial assembly itself ought to remove. Certainly there was nothing in the statements of Mr. Roebuck and his friends which ought to deter the House from taking measures to restore tranquillity and re-establish the authority of her Majesty's Government in the province. He would say one word as to past times. Some gentlemen had attempted to cast discredit on all administrations for their Canadian policy, excepting those of the last few years. He himself was not personally connected with any of those administrations whose policy had been thus condemned, but he could not refrain from expressing his conviction that great injustice was done to them. Canada was originally a French colony, its inhabitants being destitute of rights or privileges, subject to the will of an absolute monarch, in whose government there was no vestige of the principle of representation. It must be remembered that acts, which would appear to verge on injustice and oppression when subjects in the enjoyment of ample freedom and privileges were concerned, assumed an altered character when considered in connexion with the condition of a colony unaccustomed to any government but that of a despotic master. But he would refer to an authority which he believed would not be questioned for a description of the benefits which the Canadians had derived from subjection to British sway. He would take the liberty of quoting a remarkable passage, for which he was indebted to so ordinary a source as the daily prints, from a speech made by M. Papineau himself in 1820, and he presumed that the testimony of that individual would be admitted to be of considerable importance, when it was recollected that the years which had passed since 1820 were marked by an uninterrupted series of concessions to the Canadians, and that there was not even a pretence for alleging the origin of any grievance subsequent to that time. Speaking of George 3rd. M. Papineau said—

> "Each year of his long reign has been marked by new favours bestowed upon the country. Compare our present happy situation with that of our fathers on the eve of the day when George 3rd became their legitimate monarch. Under the French Government (internally and externally arbitrary and oppressive) the interests of this country had been more frequently neglected and maladministered than those of any other part of its dependencies. (George 3rd succeeded Louis XV.) From that day the reign of the law succeeded to that of violence; from that day the treasures, the navy, and the armies of Great Britain are mustered to afford us an invincible protection against external danger: from that day the better part of her laws became ours, while our religion, property, and the laws by which they are governed remain unaltered; soon after are granted us the privileges of its free constitution—an infallible pledge when acted upon of our national prosperity. Now, religious toleration, trial by jury—that wisest of safeguards ever devised for the protection of innocence,—security against arbitrary imprisonment by the privileges attached to the writ of *habeas corpus*—legal and equal security afforded to all in their persons, honour, and property,—the right to obey no other laws but those of our own making and choice, expressed through our representatives—all these advantages have become our birthright, and shall, I hope, be the last inheritance of our posterity. To secure them let us only act as British subjects and freemen."

Was this testimony, he asked, of no importance? He would not scruple to appeal to facts for a confirmation of it, if it had proceeded from the governor of Canada, or the Secretary of State for the colonies, but, coming from him who had been the leading agitator of Lower Canada—coming from him who was now the leading rebel and fugitive of Lower Canada—was it not most useful and important? He trusted, then, that he had disposed of the argument derived by the supporters of rebellion from the analogy of the revolt of the United States. There was, indeed, just such a resemblance between the two cases as was sufficient to deceive and delude a careless or unreflecting mind; The case of the United States was as different from that of Canada as any case could well be from another. The grievances of the American colonists, especially that of taxation, were not redressed, while of the Canadian grievances there was none which Parliament had not removed, or which it had not declared its anxiety to remove. The Americans were willing to make greater sacrifices to preserve a connexion with this country than we had ever called on the Canadians to make. We had negociated with the Canadians to induce them to grant a civil list for seven years, while it would astonish the House to hear that Dr. Franklin had proposed to grant one for a century. The conciliatory overtures of the British Government were rejected with insolent contempt by the leaders of the rebellion in Canada, while the Americans, for no less than sixteen months after the war broke out, continued ardently desirous to preserve their connexion with Britain; and when at last the declaration of independence was put forth, several of the most eminent men in the country were averse to it, and expressed their regret that feelings of irritation should have carried their compatriots so far. It was somewhat singular that one of the grievances of the Americans was stated by themselves to be the conduct of Great Britain towards Canada — not her oppression of the Canadians but her excessive liberality, or as they considered it, partiality towards the Canadians. In the first petition of the American Congress in 1774, a remarkable document, worthy the attention of the House, the grievances of the colonists were stated to be the appointment of the judges and councillors during pleasure, the harassing restrictions imposed on commerce, the exorbitant duties levied arbitrarily under the stamp act, which was declared to be only an initiative measure, the stoppage of agents' salaries, the abolition of trial by jury in many cases through the extension of the jurisdiction of the admiralty courts, and lastly, the act for extending the limits of Quebec, abolishing the English and restoring the French law, whereby great numbers of British freemen were subjected to the latter; and establishing an absolute government, and the Roman Catholic religion throughout those vast regions that border on the westerly and northerly boundaries of the free Protestant English settlements. Was it not most unfair to cite the alleged analogy of America, when one of the reasons urged by the Americans for revolting was the liberality shown by this country towards her Canadian subjects? Strange as it might appear, the authority of Dr. Franklin was in our favour on this occasion to the extent of justifying the appropriation by the Imperial Parliament of the revenues of a colony to the purposes of its government. In his examination before the Committee of 1776, an event memorable in the history of his country as having led to the repeal of the stamp act by the Rockingham Administration, he was asked what he would do in case a colonial Assembly should refuse the supplies. He answered, that—"They could not suppose such a case as that the Assembly would not raise the necessary supplies to support its own government. An Assembly that would refuse it must want common sense, which cannot be supposed. If an Assembly could possibly be so absurd as to refuse raising the supplies requisite for the maintenance of government among them, they could not long remain in such a situation; the disorder and confusion occasioned by it must soon bring them to reason." He was then asked, if it should not, ought not the right to be in Great Britain of applying a remedy. His answer was, a right to be used only in such a case I should have no objection to, supposing it to be used merely for the good of the people of the colony. Dr. Franklin, not having the advantage of the superior enlightenment of the nineteenth century, could not anticipate that a provincial assembly would commit a gross act of injustice, and then urge its right to do so as a pretext for rebellion. His authority, so far from being adverse to us on this occasion, was strongly in favour of the course pursued by the British Government. Did there remain, then, in sober reason, anything deserving to be called a grievance in Canada? If there were, he would proceed immediately to redress it. He cared not whether rebellion was rearing its head in triumph, instead of sinking into extinction —whether the British arms were covered with that dishonour which some hon. Members had patriotically wished might befal them, instead of carrying defeat into the ranks of rebellion, that ought to work no change in the wish to conciliate hostile feelings, and heal the wounds of civil discord. He disclaimed altogether the political morality of the hon. Member for Kilkenny, who had disavowed his friend Mr. Mackenzie, because he had been unsuccessful. [Mr. *Hume*, No, no!] He would appeal to the whole tenour of the hon. Member's recorded speech, whether the purport of his argument was not to show that rebellion was justifiable, when it was successful. But he looked forward to a very different and more cheerful prospect; in the great hand of God it was that they stood, nor did he fear for the ultimate triumph of justice, nor yet did he fear that he should see the day, when, as Mr. Roebuck had yesterday expressed himself, the last British vessel should leave the shores of Lower Canada amidst the curses of her inhabitants. He did not know what might be the anticipation of hon. Gentlemen opposite with respect to the issue of the present contest with Canada, but he must say, the learned gentleman, at least, seemed to have forgotten, that in the space of a few years after the separation of the American colonies from the dominion of Great Britain, our commerce with America was flourishing more than at any former period. Hon. Gentlemen on that side of the House were called upon, he thought, to give their aid in providing for the exigency of the period, and he would beg the attention of the House while he offered a few remarks in explanation of the two causes which, in his opinion, called for and justified the proposed suspension of the constitution of Lower Canada. One was, that the supplies had been suspended; the other, that revolt had occurred. Under the circumstances of the case, he thought it incumbent upon Parliament to adopt some vigorous measures, and for as short time as possible to suspend the constitution; but, standing there as a Member of the Commons' House of Parliament, and remembering, as he did, that England had ever been accustomed to extend as far as possible to all countries the privileges and benefits of free and equitable constitutions, he felt that he must not omit to say a few words as to what were the causes which had, by an unfortunate concurrence of circumstances led to the present disastrous results. This was a subject he would gladly have left untouched, but he should have felt dishonoured were he not to enter fairly and manfully into the discussion of it; and he must say, that he did hope to show that none of the late disastrous events would, in all probability, have occurred; there would have been no stoppage of the supplies, and no outbreak of rebellion, and no need for the measures now adopting by the noble Lord and hon. Gentlemen opposite, if the advice which had been tendered on the subject some time ago, that the Act of 1831 should be repealed, had been acted on. That advice had been rejected, but he would repeat, that if it had been taken, it was his conviction that the machine of Government would not have been stopped by the suspension of the supplies. From the papers which he held in his hand, it appeared that, with ordinary discretion, this result would not have been occasioned; the spilling of blood would have been spared, and the peace of the country remained undisturbed. With reference to the conduct of Lord Gosford, he was aware that the noble Lord's position was one of much difficulty, and, on the ground of mere error of judgment, he could not venture to pass any strictures on the noble Lord; but he complained, that while Lord Gosford spoke of the state of the country, and hinted at certain measures rendered necessary by the existing state of things, he did not give them the *data* on which his judgment was formed, and especially he did not mention what was the opinion of Sir John Colborne: his despatches were deficient, too, in other particulars. But, besides this, he found also in Lord Gosford's despatches the most extraordinarily contradictory statements. On the 2nd of September, 1837, the noble Lord wrote, "I do not conceive there is any ground for alarm." And in the very next sentence he stated, "I am disposed to think that you may be under the necessity of suspending the constitution." Now, how these two sentences could be written in close connexion with one another by any man in his senses was more than he could comprehend. How the noble Lord came to fall into such an error of judgment as was here displayed was quite inconceivable. In the next letter Lord Gosford spoke of the Ultras of both sides struggling for ascendancy; but he must say, there was much more reason, he thought, to apply that epithet to the man who could so far overstep the bounds of ordinary judgment as to say, in one breath, that there was no cause for alarm, and in the next that it might be necessary to suspend the constitution. He defied any man to reconcile two such statements. But, small as was the information as to the state of the country conveyed in these two despatches of the noble Lord, did the mist clear away as time advanced? Oh, no! On the 12th of October, 1837, nearly three weeks after the date of the former letter, Lord Gosford stated, that he had declined the proposal of 300 inhabitants of Quebec, who had tendered their services to her Majesty, requesting in consequence of the state of the province, to be allowed to enroll themselves as a volunteer corps; and so Lord Glenelg stated, in one of his dispatches, that he had, at one time entertained thoughts of sending over two regiments of the line, in addition to the troops already in Canada; but, on further deliberation, he had resolved otherwise, because he was apprehensive that their appearance would be regarded in the light of a demonstration on the part of Government against the people. But was it possible for any thing to be more a demonstration than the famous resolutions?—not, it was true, a demonstration by a military force; but could it be denied, that they constituted an important demonstration? Though those resolutions had not the effect of an exertion of power or of military authority, yet they were strictly analogous to demonstrations of this nature, and, therefore, nothing could be more irrational than for Lord Glenelg to send out a despatch talking this way against demonstrations. In his opinion, it was not only the part of common sense, but of common humanity, to take sufficient and satisfactory measures to show those who might choose to revolt, that revolt was hopeless. Again, at page 65 of the Parliamentary papers relating to Canada, Lord Gosford, after referring to the difficulty of arriving at certain information of the state of the country, and to various reports which were then current, goes on to say, "I do not myself credit these reports, nor yet apprehend any serious disturbance;" yet, on the very same page, on the same day (the 12th of October)—nay, even in the very next sentence, he writes, "It is proper that I should represent to you the inadequacy of the powers at the disposal of the local government for meeting the difficulties that surround it." There was a proof, and he thought a melancholy proof enough, that the executive in Lower Canada had not discharged its high and important functions in such a manner as to merit the approbation of that House. But there was something in the despatch of the 6th of November, 1837, which he thought would appear still more remarkable. It was there stated, for the first time, that "large bodies of the seditious are openly drilled in military tactics every Sunday in and near the city of Montreal." But Lord Gosford had been apprised long before that time, by Sir John Colborne, of several acts of various parties, which plainly denoted the spirit which was abroad; and Colonel Eden's correspondence also clearly established facts which demonstrated that the conduct of the parties mentioned had taken the character of revolt. And here he must express his astonishment that nothing had been heard of this correspondence at the Colonial Office. It was said, the letters could not be found. He must say, words could not express his surprise, that while Lord Gosford was writing in this contradictory style, no attempt whatever appeared to have been made by the Colonial Secretary to obtain from this and other sources (as, for instance, from Sir John Colborne, who must have had many opportunities of becoming acquainted with the real state of things) some certain information as to what were the dispositions of the people. That Sir John Colborne had the means of information, and that he had made Lord Gosford acquainted with his views, might be seen from his letter to Lord Gosford of October 6, 1837, where Sir John observed, "The game which M. Papineau is playing cannot be mistaken; and we must be prepared to expect, that if 400 or 500 persons are allowed to parade the streets of Montreal at night, singing revolutionary songs, the excited parties will come in collision." Now, of such a warning as this ought no notice to have been taken? Were there no precautionary measures which could be adopted? If he was told, that the forces in the country were insufficient to prevent tumult and overawe the people, then let those persons who urged this, explain to him how it was, that, at that very same moment, Lord Gosford chose to refuse the offer of their services which had been made by the volunteers. With respect to the question on which so much had been said of sending out more troops to Canada, without pretending to any knowledge as to the military considerations belonging to the subject, he begged to state, that his impression was, that all the troops were not employed which were in the province, and though the use of a military force could not have prevented the stoppage of the supplies or the passing of the resolutions of the House of Assembly, yet still there were certain intermediate and preliminary steps previous to these grand measures of the malcontent party, such as the drillings every Sunday, which he did think might have been beneficially put down by the interference of an armed force. It was worthy of remark that these meetings and drillings had gone on for some time before Government had been informed of their existence, in reference to which Lord Gosford said, Nov. 6, 1837—"My two last dispatches will have given you some idea of the political state of the province; since those communications were written, the plans and designs of the seditious have become much more apparent; and I regret to say, that their efforts and activity are producing results, to arrest which requires the adoption of much more vigorous and decisive measures than it is within the power of the Executive Government to put in force: large bodies of them are openly drilled in military tactics every Sunday, in and near the city of Montreal." Now, the expression "every Sunday" showed that he had known this for some time. It was true this might be considered an inference which rested on very slight grounds? but if he were obliged to draw his conclusions from vague terms, it was because that kind of information was all the Government was pleased to afford. But he contended from the use of this term "every Sunday," that the first information of these practices which had been sent home was not at their commencement, but after they had been so fully established as to be regularly observed every Sunday. But even then the noble Lord did not state, that measures had been taken to prevent and put down these seditious meetings, which he had permitted to reach such a height, and indeed so small was the countenance and support lent by the noble Lord's Government to the loyal and well-disposed inhabitants, that numbers of persons were compelled in self-defence to put their names to petitions, the objects of which they from their souls abhorred; yet the noble Lord had permitted all this without one effort to stay the progress of disaffection and discontent. And hence arose a question of great importance, and which it would be necessary for the vindication of Government that they should be able to dispose of fully and satisfactorily—namely, that whether 20,000 men, or any other number, were necessary to keep in check the Canadians, Government had never made trial as regarded measures of prevention of the force which they had on foot in the province. At any rate we might be quite certain that the troops in the province were amply sufficient to put down the drilling. This Lord Gosford must have known, and he ought to have taken measures accordingly, especially as he himself declared that these drillings pointed to nothing but open revolt. Lord Gosford might also, with the forces he had at his command, have put a stop to the violence which was exercised towards the peaceful inhabitants; yet instead of doing any of these things, he had let things take their course, and never informed the Government at home leading them to think that nothing at all was amiss, until at last he was obliged to write word that the drillings took place every Sunday. He believed that he was justified in saying that the Government had made itself responsible for the acts of Lord Gosford. He was supported in this belief by finding Lord Glenelg making use of very strong terms of approbation in reference to Lord Gosford's conduct. On the 27th of November, 1837, Lord Glenelg expressed his gratitude, and that of the Ministry, his colleagues, to the noble Earl for "the good faith, the moral courage, and the perseverance with which under the most discouraging circumstances, he had still endeavoured to carry out the liberal policy" of the Ministry. But the noble Secretary had thought fit to accept the resignation of Lord Gosford on the most curious grounds—namely, that the proper course of policy would be more conveniently followed out by a person less implicated than Lord Gosford in the events of the last few years; but surely if this reason were good for the resignation of Lord Gosford, it would apply with still more force to the resignation of Lord Glenelg himself. Still Lord Glenelg stated that Lord Gosford "had acted throughout with the utmost temper, discretion, and good faith." This was Lord Glenelg's attestation in favour of the noble Earl, and the same attestation had been repeated by the organs of Government both in that and the other House. On the whole, the papers he had before him seemed to show that it would have been easy to put a stop to the beginnings of that which subsequent eruptions rendered it much more difficult to smother; that much violence might have been spared; that effusion of blood might have been spared; and that House might have been spared the painful task of delivering the people of Canada into the hands of arbitrary Government. He had thus stated his sentiments, and however, feebly, he had stated his sentiments fairly and fully on this great and important question, and having done this he should be anxious to hear the opinions of more experienced

Members on the question, and leave what he had said in the hands of the House. With respect to the Bill before the House, he would say that there was no question but that in some shape or other they must have a Bill to suspend the constitution of Lower Canada, because in effect that constitution was suspended already, and was stated to be so, as appeared from a dispatch of the noble Earl by the insurgents themselves, and indeed it was the expression of the noble Lord opposite, who had stated that the Constitution was already suspended. But the Bill appeared to him to have much more in it that was objectionable as regarded the rights of the people; and he could not help thinking that there was no necessity that Parliament should divest itself of its authority in order to confer on an individual arbitrary power; he did not think it fitting to confer such power on any individual whatever as would enable him to forejudge all questions almost which could arise in the colony before they could be decided in this country, and he must confess his surprise to find that the hon. Gentlemen who usually promoted Radical principles had received the announcement of this appointment with so very much satisfaction. It would be in the recollection of the House, too, how strongly those hon. Gentlemen had been opposed to the Irish Coercion Bill, as it was termed, and how strenuously that measure had been denounced and deprecated; yet now, when a bill of much greater extent was proposed, there were scarcely ten men, and those Mr. Roebuck had disavowed, who were found to oppose it; in short, there never was a more happily-timed appointment than that of Lord Durham; like the twin stars, forthwith on his appearance—

> "Concidunt venti, fugiuntque nubes."

He had heard that great advance had been made in the science of government in the course of the 19th century, but he had witnessed no proof of this improvement which had filled him with so much astonishment. It appeared, however, that there was not any objection on the opposite side to arbitrary power, and that bill conferred more arbitrary power than he believed had ever been before conferred on an individual, and which he thought was calculated to throw the Canadians into a state similar to that of this country under Edward 3rd. There seemed no objection to arbitrary power, but only to the manner in which it was exercised, and to the person in whom it was vested. These remarks he had offered without having referred in the least to the details of the Bill, and only in the endeavour to take a general view of the case, and he had spoken at greater length than he had a right to speak in that House; but he thought it necessary to explain his sentiments with respect to the case of Canada, and to explain that he admitted the painful obligation they were placed under of suspending, for a time, the constitution of that country. But he did think that some share of the blame (he did not attempt to state the amount of it), but he did say, that some part of the blame of the present unfortunate situation of affairs rested on those who administered the Government of this country, and glad should he be, if it turned out that the inefficient and reprehensible acts of various administrators of colonial affairs had not been among the most efficient causes in which originated the painful necessity of suspending the constitution.

The *Chancellor of the Exchequer* felt it impossible to complain of any part of the argument of the hon. Member who had just sat down, without bearing testimony, at the same time, to the ability which was displayed in other parts of that speech; but he must also take leave to say, that while a speech might be able, at the same time it might deal unfairly with the question under discussion; it appeared to him that the tendency of the speech of the hon. Gentleman, and of the speeches of other hon. Gentlemen opposite was to induce hon. Gentlemen from that (the Ministerial) side of the House to pass over to the relief of that small minority to which the hon. Gentleman had adverted. The hon. Gentleman had, under a false and mistaken view of consistency, called upon Gentlemen on the Ministerial side of the House to co-operate with him, because they had taken a particular line during the progress of the Coercion Bill for Ireland, in order, that by the league, the hon. Gentleman might increase the numbers of his minority. He did not say it was the intention, but it certainly was the tendency of the hon. Gentleman's speech to produce such a result. He would take the next portion of the speech, that which contained charges against her Majesty's Government. He would say that there was no portion of her Majesty's Government, no individual Member of it who was disposed to shrink from an entire and full responsibility for every act done by Lord Gosford, and for every measure to which he had had recourse. They were ready to stand by the approval which they had, expressed of Lord Gosford's administration, and undoubtedly no individual could feel greater or higher pleasure in according praise to Lord Gosford than he who had then the honour to address them, and who had been long closely united with the noble Lord by ties of intimacy and of friendship. He would ask the House whether the hon. Gentleman opposite had dealt fairly with the correspondence of Lord Gosford? The hon. Gentleman had asked what could be so contradictory and inconsistent as the statements made by Lord Gosford in one and the same despatch? Lord Gosford, says the hon. Gentleman in one part of his dispatch, admits that he does not conceive there is any ground for alarm, and yet, in the next sentence contradicts himself by saying he thought Government might be under the necessity of suspending the constitution. Those statements did not appear to him to involve any inconsistency. Lord Gosford in one part admitted that there was no immediate cause of alarm, and in the other suggested a possible future result. If the hon. Gentleman had attended with the same pleasure and instruction which he had to the speech made by the right hon. and learned Gentleman on his right, he would find this distinction recognized. Lord Gosford had said that he apprehended no immediate danger from physical force—no outbreak requiring military interposition. It was perfectly consistent with that to say, that there might still be a necessity to have recourse to a new system of law. Suppose that no outbreak had taken place at all, that there had been no insurrection, but that from year to year the House of Assembly had steadily refused to aid the Government of the country in the administration of affairs, would the hon. Gentleman say that the necessity of an alteration in the constitution as contemplated by Lord Gosford would not arise? It should be recollected, that it was not simply a stopping of the supplies which had taken place. It should be recollected that all the ordinary functions of civil Government in the province were about to be suspended; that the Canadians had already proceeded to the election of justices of the peace of their own, had empowered civil and military officers of their own appointment to act, and had done these things in defiance of the constituted authorities. He would ask the hon. Gentleman whether, if such a state of things were permitted to continue, it would not be necessary to have recourse to the supreme power of the state. If that distinction was recognised, the House would easily see the perfect consistency of denying that there was any danger from physical force, and at the same time expressing an apprehension that the necessity for a certain contingency may arise. He rejoiced that the charge made against Lord Gosford, and against the Government which confided in him, was not that they had precipitated matters into a state of disorganisation and confusion, but that they had acted with forbearance and caution, that they had exhausted patience itself, and had waited till the last moment when forbearance was justifiable, and that it was not until the nature of the case was such as to warrant the necessity of the step, that her Majesty's Government had recommended measures of severity and of repression. The hon. Gentleman said, that if Government had followed the advice given them last year, the insurrection would have been spared. Did the hon. Gentleman sincerely entertain that opinion? He ought not to doubt the hon. Gentleman's sincerity. But did he seriously think, upon reflection, that he could sustain that opinion? Did the hon. Gentleman think that by such means, Canada would have been preserved in tranquillity and the present crisis avoided? The hon. Gentleman said, the resolutions were insulting to the Canadians, but would not the repeal of the Act of 1831 have an equal insult? The argument was, that they should have repealed the Act in the last Session, but if that had been done and—if the repeal had caused a rebellion—how would the responsibility of Ministers have been lessened? The hon. Gentleman had been kind enough to say, that he did not believe Government was deficient in precautionary measures and in providing a sufficient military force in Canada. They thanked him for the generous concession he had made, but, fortunately for them, through the higher authority of a political opponent, his concession was of lesser importance. A generous admission to the same effect had been made by an authority, than which there was no higher in this land—he might say, in the civilised world, and the Duke of Wellington had stated, that no imputation rested upon the Government for any want of military precaution in Canada. The hon. Gentleman might have spared the insinuation at the end of his speech, and the argument which accompanied it. Sir J. Colborne and the military authorities in Canada had made no complaint of want of support, but on the contrary, they had acknowledged that the Government was ready to anticipate all their demands. When the Duke of Wellington at home, and Sir John Colborne in the province, had brought no such charge against them, they were willing to submit to the taunts of the hon. Gentleman. But even if these high military authorities had not been with them—had the Government introduced a great military force into Canada not to repress disturbance, but for plitical purp oses, and that resistance had ensued, then, indeed, they might have felt a deep responsibility, and might well have been all reproached by the hon. Gentleman opposite. That hon. Gentleman had referred to the despatch of Sir John Colborne, dated the 6th of October, as one giving Government a warning to adopt precautionary measures. There was one part of the despatch of Sir John Colborne, to which, however, the hon. Gentleman had not thought proper to refer. He alluded to that passage in which it was said that the great mass of the Canadian people could not be excited or induced to take an active part with the persons who were sounding the alarm. When such a statement, and such an expression of opinion came to them from the highest military authority inthe province, they saw nothing to induce them to send, and would not have been justified in sending out a large military force. Undoubtedly it would be unnecessary for him to dilate on the general merits of the question then before the consideration of the House. For with very few exceptions, the absolute and unavoidable necessity of the measure had been admitted by both sides of the House. As to the leading principle of the Bill, namely, the suspension of the constitution of the year 1791, there had been no great difference of opinion expressed in that House. It would ill become him at that hour of the night, to occupy their attention for any great length of time. He would, however, for a few moments, take the liberty of setting them right as to a portion of the argument relied on by the learned gentleman who had appeared at the bar to oppose the Bill. He did not care so much about it, because the matter related to himself personally, as because he wished to give the House an opportunity of judging for themselves, by one illustration, of the accuracy of the statements which had been made at the bar, and of the confidence they deserved. The learned Gentleman at the bar had stated, in referring to the period when he (the Chancellor of the Exchequer) was Secretary of State, that he had practised a deception on the Canadian deputies which led to the subsequent refusal of supplies by the House of Assembly. He had upon a former occasion, discussed this point face to face with Mr. Roebuck, and he was not, therefore, disposed now to discuss it with any acrimony whatever; but still he thought it right to state to the House what were the real facts of the case. He had accepted office in the month of April, 1834. At that time theCommittee relating to Canada was sitting. Two of the deputies from the Canadian Assembly, Mr. Viger and Mr. Morin, were in this country attending to the progress of the bill for the suspension of Lord Ripon's Act. On accepting the seals of office, he became a member of the Committee, and he inquired before he received the deputies whether it was the wish of the Committee that he should receive them. Many members of the Committee expressed their desire that he might receive these Canadian deputies. He received them, then, with perfect confidence and the utmost fairness, as well as the gentlemen who accompanied them, and this he did without having a single individual on his part present. He then stated his unwillingness to carry Lord Stanley's Bill without having acquired that full knowledge of the affairs of the colony which he hoped he might hereafter possess, and which the occupation of office for the short time he held it, could not give him. He said he wished to have the means of judging justly and fairly before he acted; and he then asked them if the Assembly, in order to afford full time for deliberation, would pass a Supply Bill? He was told upon that occasion by them, that therecould be no doubt but that a Supply Bill would be passed. He stated distinctly, that the course pursued by Lord Dalhousie was one that he did not approve of, and one that he did not mean to follow. He had held a confidential communication with those gentlemen, and yet the confidential communication was made publicin the newspapers in America; and this, too, was done in contradiction to the declarations that had been made to him. They founded this breach of a solemn engagement upon a statement made in the newspapers. It was stated, too, that he had promised distinctly that no money should be paid out of the funds placed at the command of the mother country. This was stated, though the contrary was to be found in a despatch addressed by himself to Lord Aylmer, and directed by him to be laid before the House of Assembly. Would it be credited by any two Members, individuals in that House, that he could have violated an engagement made with two members of the House of Assembly, and had afterwards directed the proofs of the supposed violation of that engagement to be laid on the table of the House of Assembly, of which M. Morin and Viger were leading members. He had but one word more to add upon this subject. They had heard from Mr. Roebuck a charge against the mother country founded upon a review of the whole of its relations with Canada from the conquest up to the present time. He thought that the hon. Gentleman who had last spoken had given high authority upon this subject. He thought the conclusion drawn from the evidence of Dr. Franklin was important thereon; and what was still of greater value, that authority would be felt to be important beyond the Atlantic. Still he had another witness to produce—a witness too of some importance. He did not compare his witness to Dr. Franklin, although there was some analogy between them. He had a witness to produce who so late as the year 1834, had no hesitation in stating, that "the most anxious and earnest anxiety existed in the home Government, to carry into effect the suggestions of the Committee of 1828," and that, "the endeavours of the Government to that end had been unremittingly guided in all cases by the interests of the colony." He could not express in a more decided manner, his approval of the conduct of the Government from 1828 to 1834 than in such a sentence as that. Members of Parliament must not be surprised that he should be desirous to claim his witness upon the present occasion, neither need they be surprised that this witness had not been quoted by the learned gentleman at the bar. Mr. Roebuck was himself that witness. Mr. Roebuck had been a Member of the Committee of 1834, he was a party to that report in which it was so generously admitted, and so liberally declared that there had existed an earnest and anxious desire on the part of the home Government to carry into effect its intentions for the advantage and interest of the colony. He thanked the House for the attention with which he had been listened to. He first wished to vindicate Lord Gosford, and also to vindicate the Government; and he wished also to call the attention of the House to the conduct of the hon. Gentleman at the bar, and to cite that learned Gentleman's authority against his own arguments.

Sir *R. Peel* said, he gave, on a former night, his cordial and unhesitating support to the Address brought in by the Government, pledging the House to the support of her Majesty, in her attempt (he hoped a successful one) to put an end to the revolt in the colony of Canada. He was now called upon by her Majesty's Government to take into consideration a measure of totally a different nature—a measure for the suspension of the constitution and privileges of the people of an important province. It was his intention also, after mature reflection, but yet with great reluctance, to give his support to the proposition then under the consideration of the House. He gave his support to that proposition, because he found no safe alternative to which he could resort. If he had any doubt of the justifiableness of the proceeding—if he saw any other practicable mode of arranging the differences which had unhappily arisen between this country and her colonies—he should be induced to withhold his assent from the present Bill. But he considered that it was justified, in point of equity, by the conduct of the House of Assembly of Lower Canada, and he saw in point of prudence no other course, which, under the circumstances, could be pursued. He should deeply regret if their justification before the House and the world rested on a minute inquiry into the acts and proceedings of the Canadian House of Assembly. It rested on the simple, plain, and intelligible ground on which he had given his support to the resolutions of last year. Five years had now elapsed since the popular Assembly of Lower Canada had wholly refused to make any provision for the carrying on of the civil government of the colony. Five years had now elapsed since the judges, the civil officers and public functionaries had been left without that provision, for the affording of which the faith and honour of the Government was pledged. What course, then, was to be pursued? It was impossible to leave the public servants of the state, the judges of the land, and the other civil officers of the colony, without those salaries and provisions, the payment of which was required, not for English purposes, but for ths due administration of the colony itself, upon which its success and prosperity depended. It was impossible that they could be left destitute for an indefinite period of time. Were the people of this country to undertake the charge of their support? Or upon whom was it to be thrown? The duty could only rest upon those who were interested in the performance of the local administrative functions. If the stopping of the supplies had been a fair and ordinary exercise of a legitimate and undoubted power, and was intended only to assert a principle, instead of being attended with such mischievous and fatal results, he would not, on that ground, support a Bill for the annihilation of the constitution. The express ground, however, upon which they put it was this—"We will not pay the public officers. We will suspend the machinery of government unless you consent to bear the charge of your civil administration, and to make fundamental changes in the constitution." It appeared to him (Sir Robert Peel) to be an unjust and unfair condition to attach to the payment of the public functionaries. To refuse to bear the expense of its own administration unless the mother country would consent to make fundamental changes in the constitution, was a condition which would seem to justify the mother country as the supreme arbiter of such rights and demands, to resort to violent measures for their repression. That is the simple intelligible ground on which to justify our interference. In point of public policy, was there any other course? The law recognized the Assembly and its powers; but a revolt had taken place. He did not think that a revolt justified a suspension of the constitution; that was not the necessary punishment of a revolt. We should have recourse to the execution of the laws, the employment of a military force, the apprehension and trial of the persons guilty of the revolt, and their punishment if convicted. These were the legitimate steps to be taken for the punishment of a revolt; the suspension of a constitution was not the necessary legal punishment. But if the revolt had been aggravated by the Assembly—if it had grown out of the Assembly—that might create a necessity for suspending the constitution. There was only one of four courses to be pursued—there could be no other. They might call together the Colonial Assembly, and ask the counsel of that body. Would any one advise that? In the present state of public feeling in the colony, would any one advise that the present Assembly should be called together, considering that a number of the Members of the Assembly were implicated in the affair (he did not say whether they were guilty or not); in these circumstances, would any one advise that the present Assembly should be called? Would they, having called that Assembly, *bona fide* abide by its recommendation? Would they merely call it for the purpose of offering an impediment to public affairs and then dismiss it with contumely. Would they, then, and that was the next course, advise a dissolution of the Assembly in the present state of the colony? He thought no prudent man could advise such a course. Would they, then, advise the course of leaving the present Assembly in the possession of all its powers—of all the authority which it possesses, but suspend its functions, and not call it together, taking away by law the power that renders it necessary to be called together once a year? In such a case it would be necessary to obtain a power to carry on the local affairs of the colony, and also to give a power to the Executive Government to control the disposal of the public money, which would otherwise have to be voted by the House of Assembly. Now, it appeared to him that this was the most objectionable course that the House could pursue. It would be the greatest insult that could be cast upon the representative principle. It would be in effect to leave the Assembly emasculated—possessing the mere shadow of its representative authority whilst they annihilated its representative functions, and gave to a public officer the power to put his hand into the public purse, and to direct the expenditure of the public money. On consideration of these different courses which it would be competent to pursue, he had come to a conclusion adverse to the adoption of any of them. It appeared to him that, great as is the difficulty that might arise from the proceedings they were about to pursue, yet, upon the whole, considering the present state of public feeling in Canada—considering the present agitated state of the public mind in that province—considering the disposition which had been manifested on the part of the Assembly, that it was not prepared to co-operate with the Parliament of England in carrying on the local government of the colony, unless upon conditions to which the Parliament declared it could not submit, he had reluctantly come to the conclusion that there was no other course which they could safely pursue, unless suspending the constitution of Lower Canada for a limited time, and making a temporary provision for such period for carrying on the Government of that country. On this ground he gave his consent to the main and principal object of the Bill, namely, the suspension of the constitution for a limited period, and the devolution of sufficient powers to the governor appointed by the Crown for the purpose of carrying on the affairs of Lower Canada. He omitted altogether from his consideration the person appointed by the Crown. He treated any one appointed by the Crown with that respect which he was bound to yield to the choice of the Crown, and with that respect which was due to the situation which the individual held. He would not allow any other than great public considerations to influence his opinion. He would withhold no power from the individual so appointed on account of any difference of political opinion; but whilst he was prepared to concede all just and necessary power, he would never consent to confer one iota of power beyond what appeared to be required by the nature and the exigency of the case. It would not become them in the discussion of these important concerns, to be led away by any consideration of the personal character of any individual, from the calm and deliberate view of the case, or to allow any such consideration to reconcile them to the extension of powers the most important that ever were confided by Parliament. Such considerations would ill befit the grave nature of such an occasion. In a matter of great emergency, personal character and the liberal opinions of a chief governor sunk into insignificance, compared to the great constitutional question at issue. Whatever powers were necessary for the effectual execution of the Bill, he willingly conceded to the governor whom the Crown appointed to execute its functions. He would enable Lord Durham, by the advice of certain councillors, to make such orders as were necessary for the local government of the country; but then he would not consent that Lord Durham should, with the advice of councillors so appointed by him, have any powers beyond what the temporary exigency of the case required. To that part of the Bill which gave any such powers he should offer his most decided opposition. He objected to the giving any such powers to Lord Durham on the ground that it was an unnecessary and gratuitous violation of the constitution. If they asked him to violate a constitutional principle, and showed him a great necessity for it, then he might consent to it; for he had a safeguard in the necessity that it could not be drawn into a precedent; but where, under the pretence of mitigating the severity of the Act, they either in the preamble or the provisions proposed other regulations which no necessity called for, and which touched upon constitutional principles, for which there was not a necessity, and which were therefore unjustifiable, then he for one was determined to expose the fallacy on which they rested their aggressions, and to lay bare the delusion on which the argument was grounded, and he was resolved to show that what they called a liberal measure, was, in reality, despotic and unconstitutional. He claimed from the House of Commons, he claimed from men of all parties who adhered to constitutional principles, support in opposing this portion of the Bill, as not being justified by any paramount necessity, or by the exigency of the case. He should propose to omit from this Bill that part of it which might be called a recognition by that House that a certain Assembly to be called by Lord Durham should have a representative character and capacity. He hoped that Members would not allow themselves to be led away by plausible and specious arguments, grounded on a false assumption that he was endeavouring to render more despotic the powers given to Lord Durham. He hoped they would not be deluded by assertions of this nature until they had ascertained the intrinsic weight that belonged to them. Here was a Bill suspending the constitution in Lower Canada. It annihilated the House of Assembly in that province, which represented the feelings of the people. Should he then call, indirectly as it was done in the preamble of this Bill, any Assembly summoned by the governor—of an Assembly representing the interests and opinions of her Majesty's subjects? Were hon. Gentlemen thus to give, by their enactment, representatives to Canada? While they suspended the constitution were they to have persons, so collected, assume the character of representatives of the interests and opinions of her Majesty's subjects? After suspending the Assembly, and also after suspending every part of the Act, which gave a constituency to that Assembly, were they to delegate to the governor of the province the return of Members to that Assembly? Were they to do this after they had suspended every constitutional right? Did they mean that the governor should call any such Assembly which they could be disposed to acknowledge as representatives? Were they, the representatives of the people of England, to acknowledge any such Assembly, disconnected as it must be from the people representing the interests and feelings of any class of her Majesty's subjects? Oh! if the King of the Low Countries had done this—if he had declared that he felt it necessary to abolish representation in Belgium; that he meant to suspend the representative system there for two years; that all parts of it were in revolt; that in Belgium the constitution should be suspended; and then said that, in the exercise of his prerogative, he was determined upon carvingBelgium into certain divisions, so that he must be sure of having those who were distinguished for their fidelity to him; and having established tranquillity, that he would call certain persons to advise him as to the interests of Belgium and Holland, and that they must be regarded in the nature of representatves for Belgium! If the King of the Netherlands had done this their indignation would have overflowed. But what should we think of that hypocrite who, whilst he took away the representatives which the country already possessed, pretended that he would find better ones in their stead. But if all this was true as respected Lower Canada, what should be said of Upper Canada? Had the inhabitants of the upper province done anything to entitle them to be deprived of their constitutional rights? was there anything in Upper Canada which rendered the existence of a Legislative Assembly dangerous; Upper Canada of whose loyalty Sir Francis Head was so assured, that he ventured upon that, as he thought rash experiment, of removing every soldier from within its limits? That experiment had succeeded, however, and the upper province of Canada had, indeed, proved itself to be loyal and faithful in its allegiance to its Sovereign. And was it to be said that a mere exercise of the prerogative of the Crown was to suspend the Legislative Assembly of Upper Canada? He entreated the House of Commons not to allow its estimation of the high character of the noble Lord to whom these high matters were to be intrusted to reconcile it to an unconstitutional principle which, applied to the province of Upper Canada, was as indefensible as anything ever propounded by any despot in Europe. Last year he had been called upon to agree to certain resolutions proposed by the noble Lord opposite in reference to the Canadas, and had agreed to them. The last of those resolutions was as follows:—"That great inconvenience has been sustained by his Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions wherein the said provinces have a common interest; and it is expedient, that the legislature of the said provinces respectively be authorised to make provision for the just regulation and adjustment of such their common interests." At the instigation of the Ministers he had voted that resolution, declaring that the persons best calculated to discuss not only the local interests of the respective provinces, but their mutual relations, were their own legislative assemblies; and if he stood alone he would never recognise any act giving the Crown a prerogative to suspend the constitutional rights and functions of the Canadians. He objected to it as a most dangerous precedent thus to call upon Parliament to recognise such a prerogative, not by any direct enactments, but by a mere allusion in a preamble, and thus creating a confusion of prerogative and parliamentary enactments to which no limits could be with precision set. What necessity, also, was there for it on the present occasion? If the Government of her Majesty required new and extraordinary powers, let them be asked from Parliament, and if necessary they would be granted; if, on the other hand, the prerogative of the Crown was already sufficient for what they proposed to do, let them at once advise the Crown to exercise that prerogative in such a manner as the case required. But in the existence of any doubt upon this point, let them not by any tortuous implication in the preamble to a Bill seek to obtain a Parliamentary sanction for their proceedings. Let them consider to what such a course would lead. The existence of a prerogative in the Crown, for the exercise of which the Ministers of the Crown were responsible was assumed. Let her Majesty's Ministers take upon themselves the responsibility of exercising it, and advise the Crown accordingly. Let them do this if they pleased; but he for one, in the absence of all information on the point, and with the doubts upon his mind which he really entertained upon the subject, would not consent to be dragged into a participation in that responsibility which properly belonged only to the Ministers of the Crown. He was prepared to have his motives misconstrued even upon this head. He knew it would probably be said of him that he wanted to prevent the Canadians from obtaining the advantages of a free constitution. He wanted no such thing. He believed that the subject was one which required mature consideration; but he did not believe that it would be possible to govern the Canadian provinces successfully, either with regard to their own interests or those of the mother country, or to the permanent connexion between the two, without the establishment of a free constitution. Then, again, there was another point in this Bill to which he must give his most decided opposition, namely, the power proposed to be vested in the Crown to repeal the Act by advice of the Privy Council. Of all the events which had taken place within his memory, embracing as it did a period of history in which constitutional principles had been more discussed than in any other of similar duration, he never recollected a proposition more unconstitutional and unjustifiable than this. If her Majesty's Ministers called upon him to-day to pass this Bill into a law, he would never recognise a power in the Crown to repeal that enactment. If a constitutional principle of such magnitude and importance were to be admitted, that an act passed by Parliament could be repealed at pleasure by the Crown, there was no knowing to what it might lead hereafter. Besides, the very clumsy manner in which the whole Bill was drawn up, but remarkably so in this clause, showed that the framers of the measure themselves did not very thoroughly understand to what extent they wished the principle to be carried. The marginal abstract professed to give this power to her Majesty in council, "when Parliament was not sitting," but the enacting part of the text omitted this restriction, and gave her Majesty the absolute power to repeal the act at all times, and under all circumstances. For his own part, however, he cared not for the distinction as to whether Parliament were sitting or not, he would never allow the Crown a power to suspend, not merely a few matters of detail in an Act of Parliament, but absolutely and entirely to annihilate that very enactment which had been passed by the three estates of the Legislature. No: if Parliament were to be called upon to pass this act, suspending the constitutional rights of the provinces of Canada, at least let it also have the graceful task of restoring those high privileges when the happy occasion for so doing presented itself. Let it not be said that those privileges were forfeited by law and restored by prerogative. To have that said would be an advance in unconstitutional principles the contemplation of which should make the House pause before they gave their sanction to the first step which might lead to it. There was another point also to which he could not but allude. It was proposed to be enacted that when the Governor-general had called together the council which was to assist him in passing the measures which might be necessary for the adjustment of the affairs of the two provinces, no one in that council but himself, who had just arrived from England should be allowed the privilege of proposing any such measures for adoption. Now he could not see upon what pretence such a restriction upon the powers of the councillors should be passed. The council was to have the power of making laws, but no one but the Governor-general was to propose any. No one could open his lips with the suggestion of any, for if he did so the measure he suggested would become invalid, if passed. The only man, in short, who was to propose anything on the subject upon which they had all met to deliberate, was the very one amongst them who having but just landed from England, might be supposed to be least informed of any on the practical details of these great interests. Now, it appeared to him that if the governor-general had been invested with the power to elect this council and to dismiss it at pleasure, there could be no possible necessity for tying up the hands of the councillors in the way proposed. He would not enter further into these details at present. He had thought it right to give this full notice to the House of the amendments which he intended to propose in this measure, in order respectfully to beg hon. Members not to pledge their opinions in favour of these propositions, merely upon the consideration of the feelings of confidence and respect which they might entertain for the noble Lord into whose hands these high and peculiar powers were to be reposed. This bill was limited in its application for two years, and he should readily assent to any suggestion which might be adopted for giving the Canadians a restoration of their constitutional rights. All that he objected to was, that the Crown should have the power of suspending absolutely and without limitation the provisions of the most solemn and important act passed in his time. Sir, (continued the right hon. Baronet), in the course of the debate express reference has been made to me by the hon. Member for Lincoln (Mr. Bulwer) in reference to that part of the subject which has occupied a portion of the speech of the right hon. Gentleman the Chancellor of the Exchequer. And I must say, that, giving that right hon. Gentleman credit for the acuteness and ability which he is known to possess, and being perfectly satisfied that he introduced to the notice of the House every paper which could support his case, and being aware that he filled the office of Secretary of the Colonies, and must be well versed in its affairs—if the statement which he made be intended as a defence of the Government against the charge preferred by my hon. Friend the Member for Newark it was a lamentable failure. The right hon. Gentleman says, " we have at least this satisfaction, that the charge preferred against us is not that of precipitation and harshness, of tyranny and severity—the whole charge against us is, that we have pushed to excess the principles of lenity and conciliation." Sir, the hon. Gentleman is not at liberty to prefer an indictment against himself. The charge is not that he and his colleages have pushed the principles of lenity and conciliation to excess, but it is this—that they have spoiled their conciliation and neutralized their vigour by the nature of their proceedings. It is, that they have never been either consistently conciliatory, or consistently vigorous. The right hon. Gentleman and the hon. Member for Lincoln seemed to imply that on the military part of the question, the Government received a complete acquittal from my noble Friend the Duke of Wellington. " Here," says the right hon. Gentleman, " is the highest military authority in this country, and he has pronounced that we are completely justified in all our proceedings respecting the augmentation of the military force in Canada." Why, Sir, I think my right hon. Friend is mistaken as to the testimony of the Duke of Wellington. My noble Friend, I believe, did state that the Government had ample force in Canada for the purpose of suppressing any revolt; but I am much mistaken if my noble Friend did not state this charge, which he preferred against the Government, namely, that when you had given directions to the governor of the Canadas to withdraw troops from New Brunswick and Nova Scotia, the navigation being there open, you did not take care to send other troops thither; and, Sir, after the high and merited compliment which the right hon. Gentleman has paid to my noble Friend, if that was the charge which he preferred against the Government that the navigation being open, although there was a sufficient number of troops in Canada, yet still you compelled the withdrawal of forces from Nova Scotia and New Brunswick, which you might, and ought to have supplied by fresh augmentations, let me tell you that the high military authority which you have cited, so far from being liable to be pleaded as a vindication of your conduct, constitutes a strong accusation against it. But as has been just said in the very able speech of the hon. Member for Newark, this is not a military question. This is a case of which every civilian is competent to judge, namely, whether or no after the resolutions of last year and the state of the public mind in Canada, every rational man must not have believed that on the arrival of these resolutions, public excitement must have been aggravated, and that it was a time to take the additional precaution to send such a force as must, beyond doubt, suppress revolt? This, then, I want to know, whether you did send such a force to Canada as might intimidate the disaffected, calm the apprehensions of the timid, encourage the loyal, and prevent that outbreak of popular violence and that unfortunate shedding of blood which has unhappily occurred? Why, Sir, when we see Lord Gosford and Sir James Kempt bestow praises which I echo on these poor Canadian people—when we see them dwell on their honesty, simplicity, and industry—on their contentment with British rule, and their attachment to British connexion—and when we read that of this same people, there were (necessarily, I believe) killed 200, and 300 wounded in one village (that is 500 in the whole killed and wounded; for one gentleman stated that he counted 157 dead bodies, and that there were 300 wounded, besides several others dead), then I have a right to ask, might any precaution be taken which could have prevented such a lamentable loss of life? I rejoice, as every well affected subject must, at the triumph of the law and the success of the Queen's troops; but I have no such feeling with regard to that victory as if it had been achieved in a righteous cause over the open enemies of the country. When such a slaughter is found necessary or justifiable, the occasion which gave rise to a conflict leading to such calamitous consequences is deeply to be lamented; and if by a timely supply of troops, you might have averted that melancholy necessity, then, I maintain, there were rational grounds for believing that the necessity might occur, in consequence of the activity and delusion practised by the leaders of the Canadian people, and that it was the duty of the Government to overlook the miserable (comparatively speaking) consideration of the inconvenience of a military demonstration, and by a timely display of force to prevent the desertion of the well-affected and encourage the fearful—it was, I say, your duty to manifest such a determination to support the authority of the British Crown, and to maintain the British connection, as to deter designing men from practising on the simplicity of a loyal and well-conducted people. So far from exposing yourself to the unjust reflection of having acted in a severe and tyrannical manner, you would have secured and deserved the compliment of having made a merciful demonstration of vigour. Why, if on looking to the papers before the House we see what my hon. Friend, the Member for Newark, pointed out in a dispatch that there were two sentences conflicting in opinion, in one of which it was stated that there was no danger of commotion, and in the other, that the suspension of the constitution might be necessary, and that this discrepancy was met by the right hon. Gentleman's argument that the statements were consistent and distinct, inasmuch as there might be a suspension of the constitution and no apprehension of commotion, what will the right hon. Gentleman say if I be more successful than my hon. Friend, and find two contradictory opinions in one sentence which I shall read? Here it is: "As I stated in my former letters, I do not expect any serious commotion; at the same time, when I see so many clever unprincipled engines in action, yielding implicit obedience to the mandates of such a man as Mr. Papineau, it is impossible to set limits to the extent of mischief they construct.' Thus it is stated that the noble Lord (Gosford) saw no reason to apprehend the suspension of the constitution, or any chance of any commotion, and yet he adds that it is "impossible to set limits to the extent of the mischief they may construct." It appears to me that there were special and peculiar reasons connected with that province which made the event which has taken place not at all improbable, and called for an energetic course of proceeding in preventing it. What says Lord Gosford? "The jealousy that exists between the two origins is also a powerful instrument in the hands of a convention, or central committee, as before alluded to, and corresponding, as no doubt they do, with various parts of the province. The two extremes are doing incalculable mischief, and must disgust every friend to liberal measures." This being the impression of Lord Gosford, why was not an attempt made to send such a military force as would have prevented the necessity of making blood the boundary line which was to divide the inhabitants of French and English origin. But what has been the consequence? You have been obliged to call out volunteers. Was there ever an instance in which it was so essential that the enforcement of the civil authority should be intrusted to the military force, and in which the Government should have abstained, until the last moment and when it became absolutely indispensable, from relying on the suppression of this revolt by the aid of one party so inflamed as it was against the other? The right hon. Baronet went on to state that they had sent out last year resolutions which it was evident would aggravate the excitement in a ten-fold degree. Therefore he said, with respect to a military force, they had neutralised their vigour by the proceedings which they took to sustain it; and he must also say, that their conciliation lost much of its grace by the tardiness and delay with which it was displayed. Now, to give a proof under that head. They invited the House to be parties to certain resolutions, ten in number, the most important of which was the eighth; but they did not accompany this demonstration of vigour without some compensation in the shape of promises. The House was invited to accede to two resolutions, one of which stated, that it was inexpedient to make the Legislative Council elective, but that it was advisable that measures should be adopted for securing to that branch of the legislature a greater degree of confidence; and the other resolution stated, that while it was extremely desirable to improve the composition of the Executive Council it would be unwise to submit it to the responsibility demanded by the House of Assembly. Now, would it not have been advisable when they communicated to the House of Assembly the measures of violence that they should also have communicated to the House of Assembly the perfection of those measures of grace with which they were to be accompanied? If they were not ready with those measures for the improvement of the Council why not suspend the meeting of the House of Assembly until they were ready? Why leave it to the Governor, after he had apprised the House of Assembly that the House of Commons had determined to take their money—why leave it to the Governor to make the unsatisfactory communication, that he was sorry to say that he had nothing positive to communicate about the improvement of the Legislative or the Executive Council, but that measures of improvement were under consideration? Would it not have been rational to have postponed making this communication until the Governor could lay before the House of Assembly the series of measures of improvement which he had to propose? It would have shown them that the House of Commons, when they consented to measures of necessary violence, was not so irritated as to refuse at the same time measures of redress. When Ministers communicated their intention to take the money, they should have also taken into consideration the improvement of the Executive Council, and they should have made known the names of the men whom they meant to propose. Could they state any valid excuse for not having done so? He had looked through the despatches of Lord Glenelg on this subject, and he found them the worthy echoes of those of Lord Gosford. He found in the series of despatches many declarations, that there was now no time for vacillation, that they must now be vigorous, that there must be no further delay; there were endless demonstrations of this sort, but the only real demonstration of promptitude and vigour was, the acceptance of the resignation of the Governor. Talking of resignations, was it true that Sir F. Head had been recalled? Canada was conspicuous for the recal of its Governors. Sir J. Colborne had been recalled from Upper Canada, Sir F. Head had been recalled from Upper Canada, Colonel Arthur who had been recalled from Van Diemen's Land was to proceed to Canada, and Lord Gosford had been recalled from Lower Canada. It had been said, and certainly with truth, that one of the greatest evils in the administration of the affairs of the colony consisted in the succession of its Governors, for the moment they were becoming acquainted with the local interests of the colony they were removed. If this was an objection at all, it applied with quadruple force in the case of our North American provinces. With respect to the Executive and Legislative Councils, they had sent out three Commissioners to Canada to make inquiry. They had made their report with reference to the Executive Council, and they stated the principles upon which various improvements might be made in the Council. This was in 1836, and on the 14th of July, 1837, Lord Glenelg stated, that no delay should occur in acting on the Report, and that he had no serious doubts respecting the wisdom of the suggestions of the Commissioners. If there was no doubt, why not call upon the House of Commons to pledge itself to the improvements last year? Eighteen months had now elapsed since the subject had been brought under consideration, although in July, 1837, Lord Glenelg had no doubt respecting the wisdom of the suggestions contained in the Report. And what was the cause assigned? It was the difficulty of getting men to fill the office. For eighteen months there was no doubt about the propriety of the thing, the whole doubt and difficulty was in getting the men. Lord Glenelg, however, said, that it was impossible to acquiesce in any further delay, and what did he do? To prevent mistakes he sent out to the Commissioners an extract from their own Report. He sent out to Lord Gosford, who was one of the Commissioners, an extract from his own Report, he told him to act upon the principles therein contained, to seize the first nine men he should meet, and to swear them in as councillors. It seemed to him, that if they wanted to afford a plausible justification for disaffection, the course pursued respecting these councils was well calculated to afford it to men who were not looking for real grievances, but for plausible grounds to make out a case of oppression. Eighteen months they had been in possession of the principle—there was no doubt entertained of the wisdom of the suggestions in the Report—they asked the House to concur in measures of severity; but when measures of improvement were mentioned, the answer was, that they intended to propose them, but they were not yet ready. There was repeated mention in the course of the despatches of Lord Glenelg of the great importance of some definitive measures; but this was another instance in which conciliatory measures had been spoiled and prejudiced by delay. He therefore thought, that this established his charge that the Government had not acted with lenity and forbearance; but that, in point of fact, a demonstration of timely vigour would have been true lenity and forbearance. He did not complain of the concessions that had been made. He believed, that they afforded an ample proof that in the course they had adopted they had met the justice of the case. He believed, that the feeling of the United States, of Europe, and of the world, was, that they had done justice. He believed, that the general impression was, as was said by an hon. Gentleman, that in no other country in Europe, whether free or despotic, had greater moderation or forbearance been shown than by Great Britain during the continuance of this contest. But this forbearance was neutralised, as far as the conduct of the Government could neutralise it, by neglect, delay, and by the want of vigour and precaution; and he must say, that he did think, looking at the papers before the House, that for this outbreak in Canada, and for the state of mind in Canada which had led to this outbreak, for the false reliance that had been placed upon the support from this country, he did think that her Majesty's Government were morally and deeply responsible.

Lord *John Russell* said, that with respect to the real subject of debate, namely, whether the principle of this Bill should be affirmed by the House or not, so much had already been said on all sides of the House, and with such very great ability, and they had placed the subject in such various lights, that it made it unnecessary for him to enter much, if at all, into the discussion. But in the course of the debate, there had been mixed up so many other topics with reference to what on a former occasion he had said in the House, and so much censure had been passed on the conduct of the Government, that he felt that he could not allow the debate to close without some reference to these topics. And, first, with respect to the measure before the House. He would ask, had those most opposed to it suggested any rational plan as an alternative? Admitting, for the sake of argument, that the Legislative Council had been wholly in fault, and that the House of Assembly was wholly blameless, yet they had by general confession a House of Assembly and a Legislative Council so constituted that the result was the stoppage of all legislation, the entire refusal of the supplies necessary to carry on the Government, and the total absence of those laws which were necessary to the well-being of the community. In this state of things, an hon. Gentleman had made a proposition which seemed to him nothing more than this, namely, that the House of Assembly should be brought together again. There was, however, one part of the plan to which all parties were willing to consent, namely, that Lord Durham should proceed to Canada. But did they suppose that Lord Durham would proceed to Canada without any power whatever, but as a mere spectator of the battles between the two adverse assemblies, and to declare the utter hopelessness of bringing them to a conclusion? Whatever charge of want of reform or of conciliation might now be made against Government, such a course as that referred to would show a weakness and a want of conciliation which would indeed deserve censure. A right hon. Gentleman opposite, in going into the amendments he proposed to make in Committee, had stated some strong objections to parts of the Bill, and he (Lord John Russell) must say, that in stating these objections the right hon. Gentleman (Sir R. Peel) had dealt in greater exaggeration than he had ever heard the right hon. Gentleman indulge in before. The right hon. Gentleman stated, that Government was acting on delusive grounds—on a pretence of liberality—and putting certain provisions into the Bill which did not properly belong to it. In his opinion the grounds of the Bill were perfectly natural and simple. Nothing could be more natural than this—to say that for a long time dissensions had prevailed in Canada—that they found it impossible to bring matters to an amicable termination—that the malcontents had at last proceeded to revolt, and that the revolt should be first suppressed, and that then they should proceed to adopt measures for the production of a better state of things. In order to do this latter, they intended to call in the aid and advice of persons resident in, and perfectly well acquainted with the wants and feelings of the province, and to learn from them what measures they thought likely to restore tranquillity. Was this false pretence?—were these delusive grounds? He owned that it seemed to him that hon. Gentlemen wished to fasten on the Bill a character not belonging to it, in order to furnish themselves with some feasible grounds for opposition to it. He had seen that evening symptoms of a sort of coquetry which was not now exhibited for the first time on the part of a right hon. Gentleman opposite. He had been passing very marked compliments on the speech of the hon. Member for London. The argument of that hon. Member was:—"If you are able to convene this meeting of the provincial representatives, why not convene the Assembly?" The hon. Gentleman seemed to consider it an argument of great force, but he could not see in it any force whatever. Suppose that peace was restored — suppose they convened the Assembly—they would only bring together a body which, in its present state of irritation, would say, "Give us an Elective Council, or we will not vote the supplies;" while the Legislative Council would declare that if they were made elective the constitution would be destroyed. Thus, then, there would soon be an end of the meetings of the Assembly. But if they collected a body consisting not only of persons selected from those two bodies, of persons representing the feelings of Lower Canada, but also some who would represent the feeling of the upper province, together with some Members of the Legislative Council, then they would have some chance of seeing the matters in dispute satisfactorily arranged. There was another matter which the right hon. Gentleman had not taken notice of, but which he had stated expressly. He had stated, that this Committee which was to be assembled was not to have any legislative power. He stated that he considered it absolutely necessary that the supreme legislative control should rest with Parliament, where the constitution had placed it. There was thus a total difference between the body which the Government would have power to assemble and one which met for the purpose of legislation. The right hon. Gentleman, in spite of his (Lord John Russell's) statement to this effect, had spoken to-night as if the governor and the Committee intended to octroyer a constitution. [Sir *R. Peel:* "No, no!"] The right hon. Gentleman had certainly used the word. [Sir *R. Peel:* "No, no!"] With respect to the preamble of the Bill the right hon. Gentleman had used this argument, that if they intended to arrange the matter by the use of the prerogative of the Crown, they need not provide for it in the preamble of the Bill. Truly, it seemed to him desirable that if that could be done they should be provided by the Bill with power for the purpose. It seemed to him right that when extreme measures of this kind were to be adopted, they should be formally placed before Parliament, and that no part of it should be concealed, lest afterwards Parliament should disapprove of it. After all the right hon. Gentleman had said against the nature of the preamble, it did not seem that he now intended an alteration similar to that which had been at first supposed. He had thought, from what the right hon. Gentleman had stated, and from his proposal to leave out the preamble, that he went so far as to say that they ought not to frame the constitution of Canada on the principle of a free constitution. But now he disavowed that intention, and would merely alter some words in no very intelligible manner. They never had said that Canada should be governed otherwise than by a free constitution; and he said that it was expedient to make provision for the temporary government of Canada, in order afterwards to make provision for governing it on principles conducive to the maintenance of the rights and liberties of the province, but the right hon. Gentleman would strike out the words to that effect in the preamble. The great matter for Parliament to consider was the necessity of the case. If the necessity did not exist, the Bill would not have been demanded; but, when they did demand such despotic authority, he (Lord John Russell) thought it necessary that Parliament should know that they only sought a temporary power, and that the paramount wish of Government was to have a free constitution established in Canada. The right hon. Gentleman had gone on to find fault with a provision of the Bill giving a power to the Queen in council to suspend its operation for a time, and contended that they wished to suspend the constitution of Upper Canada. Why, the Bill contemplated no interference with the constitution of Upper Canada; with respect to the ordinary working of that constitution it would not be interfered with in the least. Neither did they propose that the Assembly should be deprived of any of the privileges it enjoyed; on the contrary, they proposed that as the people of Upper Canada had long complained, and justly complained, of the manner in which their trade was interfered with, and their navigation impeded, by the regulation of the lower province, they proposed that ten persons should be selected from the upper province to form part of the committee; and to provide for the remedy of these grievances. With respect to the other ground of objection to the power proposed to be given to the Queen in Council he saw no reason, although this was a very great power, that it should not be given when necessary; but when the right hon. Gentleman brought forward his amendments it would then be competent for him to answer them. The right hon. Gentleman had gone on to censure the conduct of Government. With respect to his first complaint, that of the want of sufficient force, he (Lord J. Russell) did say, that, notwithstanding what had been said by the hon. Member for Newark, the right hon. Gentleman was not successful in quoting the Duke of Wellington on that head. As the noble Duke's authority had been appealed to, he would not dispute it. The noble Duke was probably right in saying that there had not been sufficient troops in Nova Scotia, but that was totally different from the charge made by the right hon. Gentleman. His charge was, that Government had not sufficient troops in Canada to prevent insurrection—not enough to "encourage the loyal, and to overawe disaffection." His answer to that was, that sufficient troops were there for any legal purpose required. With respect to Nova Scotia, although, for many reasons, it might have been necessary to have had more troops there; still could any one say, that the presence of more troops there would have prevented revolt in Lower Canada? They had the Duke of Wellington's authority for this—an authority which would be more looked to than any in that House. It was not the first time when party topics ran high—when the election batteries were mounted—when it suited a party purpose to quote the Duke, that all of a sudden a plain declaration from himself completely discountenanced all their assertions. The right hon. Gentleman had made another charge. He said that not only had Government displayed a want of vigour in not having a sufficient number of troops in Canada, but they had not adopted conciliatory measures at a proper season. With respect to that subject, he must say that, although it was not very difficult for hon. Gentlemen reading the despatches to find fault with them, yet he thought they formed a full and complete defence for Lord Glenelg, for Lord Gosford, and for the Government. There was an inherent difficulty in this case, which rendered it impossible to give sufficient instructions, or for Lord Gosford himself to take such measures as would have led to a satisfactory result. What was the object of Lord Gosford's mission? It was to endeavour, by remedying all real grievances, and by a kind treatment of those who preferred them, to give satisfaction to the Canadians; but while he was endeavouring to do this there was a party in the House of Assembly, headed by its Speaker, which was determined to thwart all his efforts, to misrepresent them, and to take every means to throw difficulties in the way of Government, and thus to procure a separation from the mother country. Now, while this was attempted, it was always a matter of necessity to consider whether subjects of complaint were real grievances, or whether they were submitted with the knowledge that they would not be assented to, in order to fill up the catalogue of complaints, and create an anti-British feeling in the colony. He did think that this inherent difficulty made it quite impossible for Lord Gosford to take those measures which under other circumstances might be possible. But he had done this—he had convinced all intelligent and dispassionate men that it was the determination of Government to act fairly by the province, and that it was no wish of theirs, for any sinister end, to take away any privilege it ought to possess. Fully to establish that such was the object of Government was ample compensation for the want of what the right hon. Baronet called rigorous measures. A noble Lord, sitting opposite, had thought proper to criticise the despatches of Lords Glenelg and Gosford. With respect to those despatches they related to matters of great importance but were often, from necessity, written in such haste as to render careful composition impossible. The noble Lord had also talked of what he was pleased to call the sickly sentimentality of some of those despatches. He remembered an address of that noble Lord's to the electors of North Lancashire, which was very sentimental, and at the same time exceedingly obscure. A friend of his, to whom he mentioned its obscurity, told him that he could explain the matter at once—that it was merely a translation from the German. If they were to criticise so minutely public documents, the noble Lord was as liable as others to have his compositions censured for the sickly sentimentality he complained of. He could not conclude what he had to say without adverting to some observations of the hon. Member for London. That hon. Member had complained of the Government measure — he talked of the harm it would do. If he did any harm it would be less by the fair expression of his opinions, than by the distorted manner in which they were represented. That hon. Member had said, that he (Lord J. Russell) had refused to reform the legislative council; what was the fact? When Mr. Roebuck had proposed a plan of his own for that purpose, he said that, although he thought it would be rash to adopt that plan, yet that if the Assembly would propose a rational plan the Government would not stand in the way of its adoption; yet still the learned gentleman represented him as an enemy to Reform, and on that he framed his speech. As a proof of this he would mention the hon. Member's quoting his praise of Montesquieu, but he had not used it by way of casting any slur on the Canadians, but to show how anxious England had been to frame laws agreeable to the people. He said, that she had even recognised for them the absurd feudal laws, although these were so odious to the people of this country that in the reign of Charles 2nd a great triumph was considered to have been achieved by their abolition, and although they were conscious that British settlers would be likely to come under their operations. Was there anything in this calculated to irritate or offend? Now with regard to the whole of this subject and the instructions which had been given to Lord Durham, he would take the liberty of saying a few words. There was a time when England was comparatively confined to the bounds of her own dominions—when she had no need to think of anything beyond her own laws, her own usages, her own religion, and when it was desirable that all should be peculiarly English. There was another period when, by the force of her arms and the extent of her conquests, she kept possession of a great part of the world against all invaders and enemies. Both these periods had passed. It was not now the policy of this country, with its great and extended dominion, to enforce English laws and English customs throughout them all. Nor did they pretend—and God forbid they should pretend—to keep those possessions in subjection by the mere force of arms? There was then a third system, which it seemed more wise, more just, and more politic to pursue. Having acquired large possessions by various wars and by the efforts of powerful men from Cromwell to Marlborough, and from Marlborough to Wellington, it was desirable carefully to consider the peculiar usages, the peculiar wants, the religious habits, and the peculiar aptitudes of the people over whom they ruled, so as to take such measures as would be best calculated to conciliate their good opinion. When revolutions were to be quelled, let the necessary measures for quelling them be adopted—but when a permanent Government was to be established, let everything be done to ascertain the just expectations and wishes of the people, and let not this country, for paltry objects of its own, impose upon them institutions which might prove unpalatable or intolerant. This was the aim which he had in view with respect to Canada, and to all the other North American provinces. They were not to be governed in the same manner as islands in the Mediterranean or our dominions in the east; but by making such temporary changes and ameliorations as from time to time the circumstances might call for—such changes as might suit the habits of the persons to be governed, and at the same time that they did honour to the mother country prove advantageous to the colonies, so that the name of the mother country might not suffer, nor the empire be diminished. This was the end to which he looked in sending out the instructions by Lord Durham, and those were the objects which he wished that noble Lord to have in view before he transmitted his plan to this country. If there were any person who could devise a better mode of proceeding, let it be proposed; but the plan which Ministers presented appeared to him to be the best mode of attaining this most desirable result. He would conclude by stating, that his great and paramount desire was to avoid maintaining the dominion of this country over the provinces in any other way than that which would prove permanently advantageous and happy to the latter, at the same time that it proved honourable to both.

The House divided on the Motion for going into Committee:—Ayes 262; Noes 16: Majority 246.

List of the AYES.

Acland, T. D.
A'Court, Captain
Adam, Sir C.
Aglionby, H. A.
Alford, Viscount
Alsager, Captain
Alston, R.
Anson, hon. Colonel
Ashley, Viscount
Attwood, W.
Bagge, W.
Bagot, hon. W.
Baillie, Colonel
Baker, E.
Barnard, E. G.
Barrington, Viscount
Belfast, Earl of
Bentinck, Lord G.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blair, J.
Blake, W. J.
Bolling, W.
Borthwick, P.
Bowes, J.
Bradshaw, J.
Bramston, T. W.
Broadly, H.
Broadwood, H.
Brodie, W. B.
Brownrigg, S.
Bruges, W. H.
Buller, C.
Buller, E.
Bulwer, E. L.
Burdett, Sir F.
Burr, H.
Busfield, W.
Byng, G.
Byng, rt. hon. G. S.
Campbell, Sir J.
Canning rt. hn. Sir S.
Castlereagh, Viscount
Cavendish, Hon. C.
Cavendish, hn. G. H.
Cayley, E. S.
Chalmers, P.
Childers, J. W.
Chisholm, A. W.
Chute, W. L. W.
Clay, W.
Clayton, Sir W. R.
Colquhoun, Sir J.
Coote, Sir C. A.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Dalmeny, Lord
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Dashwood, G. H.
Denison, W. J.
De Horsey, S. H.
Divett, E.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Duckworth, S.
Dugdale, W. S.
Duke, Sir J.
Duncan, Viscount
Dundas, F.
Dundas, J. W. D.
Easthope, J.
Eaton, R. J.
Egerton, Lord F.
Eliot, Lord
Elliot, hon. J. E.
Ellice, A.
Ellice, rt. hon. E.
Ellice, E.
Ellis, J.
Erle, W.
Estcourt, T.
Etwall, R.
Evans, Colonel
Evans, W.
Farnham, E. B.
Ferguson, Sir R. A.
Finch, F.
Fitzalan, Lord
Fitzroy, Lord C.
Fleetwood, P. H.
Flemming, J.
Forbes, W.
Fort, J.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gibson, J.
Gladstone, W. E.
Goddard, A.
Gordon, R.
Goring, H. D.
Granby, Marquess of
Grattan, J.
Greene, T.
Grey, Sir G.
Grimston, Viscount
Grimston, hon. E. H.
Guest, J. J.
Halford, H.
Hallyburton, Lord
Handley, H.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Hay, Sir A. L.
Hayter, W. G.
Herbert, hon. S.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hogg, J. W.
Hollond, R.
Holmes, W.
Hope, G. W.
Horsman, E.
Hotham, Lord
Howard, F. J.
Howard, P. H.
Howick, Viscount
Humphery, J.
Hurst, R. H.
Hutton, R.
Ingham, R.
Inglis, Sir R. H.
Irving, J.
James, W.
James, Sir W. C.
Jones, W.
Kemble, H.
Kinnaird, hon. A. F.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Law, hn. C. E.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Loch, J.

Lockhart, A. M.
Logan, H.
Lushington, C.
Lygon, hon. General
Lynch, A. H.
Mackenzie, T.
Mackenzie, W. F.
Maclean, D.
Macleod, R.
Mahon, Viscount
Marshall, W.
Martin, J.
Marton, G.
Melgund, Viscount
Mildmay, P. St. J.
Milnes, R. M.
Morpeth, Viscount
Muskett, G. A.
O'Brien, W. S.
O'Ferrall, R. M.
Paget, Lord A.
Paget, F.
Pakington, J. S.
Palmerston, Viscount
Parker, J.
Parker, T. A. W.
Parrott, J.
Peel, right hon. Sir R.
Pemberton, T.
Perceval, hon. G. J.
Philpotts, J.
Pinney, W.
Ponsonby, hon. J.
Poulter, J. S.
Protheroe, E.
Pryme, G.
Redington, T. N.
Reid, Sir J. R.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Richards, R.
Rolfe, Sir R. M.
Rose, rt. hon. Sir G.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord John
Salwey, Colonel
Scarlett, hon. R.
Seymour, Lord
Sheppard, T.
Shirley, E. J.
Slaney, R. A.
Smith, J. A.
Smith, hon. R.
Somerville, Sir W. M.
Spencer, hon. F.
Standish, C.
Stanley, W. O.
Stuart, R.
Stuart, H.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Sugden, rt. hon. Sir E.
Surrey, Earl of
Talfourd, Sergeant
Thomson, rt. hn. C. P.
Thornley, T.
Tracy, H. H.
Trench, Sir F.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Verney, Sir H.
Villiers, Viscount
Vivian, J. H.
Vivian, right hon. Sir R. H.
Walker, R.
Wall, C. B.
Ward, H. G.
Westenra, hon H. R.
Westenra, hon. J. C.
Wilbraham, G.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wodehouse, E.
Wood, C.
Wood, T.
Worsley, Lord
Wynn, rt. hon. C. W.
Wyse, T.
Young, G. F.
Young, J.

TELLERS.
Smith, R. V.
Stanley, E. J.

List of the NOES.

Baines, E.
Brotherton, J.
Callaghan, D.
Currie, R.
Gillon, W. D.
Harvey, D. W.
Hindley, C.
Jervis, S.
Leader, J. T.
Lister, E. C.
Molesworth, Sir W.
Turner, W.
Vigors, N. A.
Wakley, T.
Warburton, H.
Williams, W.

TELLERS.
Hume, J.
Grote, G.

Lord *John Russell* moved that the Committee on the Bill take precedence of all other business on Thursday.

Mr. *Wakley*, having a motion on the paper for that day for a Select Committee to inquire into the constitution of a society in Glasgow, under the title of the "Association of Operative Cotton Spinners of Glasgow and its neighbourhood," could not agree to the motion of the noble Lord unless he had a pledge that the men lately sentenced to transportation should not be sent out of the country before that motion came on.

Lord *John Russell* would not give a pledge, but he did not think it possible that these men could leave the country before the expiration of a week.

Mr. *Wakley*, not getting a pledge, would divide the House on the Motion of the noble Lord.

The House divided on Lord John Russell's motion:—Ayes 101; Noes 6: Majority 95.

List of the AYES.

Acland, T. D.
Adam, Sir C.
Aglionby, H. A.
Alsager, Captain
Ashley, Lord
Baines, E.
Barrington, Visct.
Bewes, T.
Borthwick, P.
Bradshaw, J.
Broadwood, H.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Buller, C.
Busfield, W.
Campbell, Sir J.
Cavendish, Hon. C.
Chalmers, P.
Clayton, Sir W. R.
Craig, W. G.
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Dowdeswell, W.
Duke, Sir J.
Dundas, F.
Ellis, J.
Erle, W.
Estcourt, T.
Farnham, E. B.
Finch, F.
Fleetwood, P. H.
Forbes, W.
Gibson, J.
Gillon, W. D.
Goddard, A.
Gordon, R.
Goring, H. D.
Grey, Sir G.
Grimston, Viscount
Grimston, hon. E. H.
Harvey, D. W.
Hawes, B.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Howard, P. H.
Howick, Viscount
Hurst, R. H.
Hutton, R.
Inglis, Sir R. H.
James, W.
Kinnaird, hon. A. F.
Langdale, hon. C.
Lefevre, C. S.
Lennox, Lord G.
Lister, E. C.
Lockhart, A. M.
Logan, H.
Lushington, C.
Mackenzie, T.
Macleod, R.
Martin, J.
Milnes, R. M.
Morpeth, Viscount
Muskett, G. A.
O'Ferrall, R. M.
Pakington, J. S.
Palmerston, Viscount
Parker, J.
Parrott, J.
Philpotts, J.

Pinney, W.
Pryme, G.
Redington, T. N.
Rice, right hon. T. S.
Richards, Richard
Rolfe, Sir R. M.
Rose, right hon. Sir G.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Salwey, Colonel
Scarlett, hon. R.
Smith, R. V.
Somervile, Sir W. M.
Stanley, E. J.
Strutt, E.
Thomson, rt. hn. C. P.
Thornley, T.
Tracy, H. H.
Turner, E.
Turner, W.
Wilbraham, G.
Winnington, T. E.
Winnington, H. J.
Wood, T.
Wynn, rt. hon. C. W.

TELLERS.
Labouchere, H.
Steuart, R.

List of the Noes.

Grote, G.
Hindley, C.
Hume, J.
Vigors, N. A.
Warburton, H.
Williams, W.

TELLERS.
Wakley, T.
Leader, J. T.

HOUSE OF LORDS,

Thursday, January 25, 1838.

Minutes.] Petition presented. By Lord **Redesdale**, from Deepwade, Norfolk, for rating the proprietors not occupiers of Small Tenements.

HOUSE OF COMMONS,

Thursday, January 25, 1838.

Minutes.] Petitions presented. By Lord G. **Bentinck**, fromLynn, and by Mr. A. **White**, from Sunderland, for the abolition of the duty on Marine Insurances.—By Mr. **Parrott**, from Totness, in favour of the Ballot; and from the same place, for the abolition of Negro Apprenticeship.—By Mr. **Leader**, from Lambeth, St. Clements, Finsbury, and Salisbury, against coercing the Canadians.—By Mr. **Wakley**, from the Workmen's Associatison in Glasgow, and in London, for the remission of the sentence on the Glasgow Cotton-spinners.—By Mr. C. **Buller**, from Hadley, and other places, by Mr. **Guest**, from Merthyr Tydvill, by Mr. **Warburton**, from Bridport, by Lord **Morpeth**, from the West Riding of Yorkshire, for the abolition of Negro Apprenticeship.

Jury Laws Scotland.) — Cotton-Spinners.] Mr. *Wakley* had a petition to present from the great Radical Association of London. There was a prayer to this petition, as of course there was to all petitions; but as the petitioners had requested him to move that it be read by the clerk, he hoped the House would have no objection to that being done.

The clerk read the petition. The petitioners begged to call the attention of the House to the fact, that the jury laws of Scotland differed from those of every other portion of the vast dominions of her Majesty, inasmuch as the opinion of a majority of a Scotch jury decided the question. The petition went on to state that the verdict was the verdict, not of fifteen jurors, but only of a majority of one out of fifteen. The petitioners prayed the House to assimilate the jury system of Scotland to that of England.

Mr. *Guest* objected to the reception of the petition, on the ground that it contained the following language disrespectful to the House—"That your petitioners frequently find unworthy imputations cast upon the working classes, who are sometimes designated as a rabble. That your petitioners do not deny that there is a rabble of the trades, as there is a rabble of the Lords, and a rabble of the aristocracy, but they do not say that there is a rabble in your honourable House."

The *Speaker* said, that the House certainly could not receive a petition which contained language disrespectful to the other House.

Mr. *Guest* put it to the hon. Member for Finsbury, whether he would not withdraw his petition.

Mr. *Wakley* would not withdraw the petition. He regretted that the expressions objected to had been inserted; but he felt, at the same time, that it was his duty to present it. Petitions had been presented to the other House, charging Members of the House of Commons with violating their oaths in the vote which they gave on the Irish Church question. Under these circumstances, he hoped that the House would show that they were not thin skinned enough to reject a petition because it contained allusions to persons who were not Members of that House. It ought to be borne in mind that the property qualification had excluded from that House those who represented the feelings and opinions of this class of petitioners.

Mr. *Guest* said, that the petition was not calculated to serve the object which it had in view.

Mr. *James* said, that although he agreed with the hon. Member for Finsbury that the class from whom the petition emanated were not properly represented in that House, he thought the wording of the petition incautious and disrespectful.

Mr. *Wakley* thought both hon. Gentlemen by far too captious, for the petition did not speak of a rabble in the House of Lords, but of a rabble of Lords.

An hon. *Member* said, that was a mere quibble of the hon. Member. The question simply was, whether or not this petition was couched in language fit and becoming for that House to receive. In his opinion it certainly was not; and at the same time he could not avoid expressing his opinion, that the hon. Member would ill serve the cause of the petitioners, if he did not intimate to them that such language was highly unbecoming.

The *Speaker* begged to draw Mr. Wakley's attention to one of the expressions contained in the petition. The petitioners spoke of a rabble of Lords, but they would not say that there was a rabble in the House of Commons. The exception was an inference that they intended to say that there was a rabble in the other House.

Mr. *Wakley* asked in what manner petitioners were to express their sentiments if that House chose to attach innuendoes to their expressions—which they disclaimed—as an excuse for rejecting their petitions. In this case the petitioners explicitly stated that they did not say there was a rabble in this House—but that there was a rabble of Lords. And he said the same thing—there was a rabble of every class of society. He had already expressed his regret that these expressions were in the petition, but he did not think they should be made the ground for not receiving it. If, however, the motion for excluding it was persevered in, he should divide the House. The working classes ought to be more effectually represented in that House. At present they were only indirectly represented. Till they were allowed to exercise the Parliamentary franchise, he should look with much calmness upon such expressions.

Mr. *Williams Wynn* would be sorry to object to the reception of any petition; but there was no grievance which might not be complained of in courteous and decent terms. Whether the language used in the petition was disrespectful to this or to the other House of Parliament, they were equally bound to reject it. He was sorry the hon. Member thought fit to divide the House. He thought it would be better to withdraw the petition.

Mr. *A. White* agreed with the hon. Member (Mr. Wynn) that this petition ought to be withdrawn. He was as much a friend to the working classes as any Member of that House, and he had used as strenuous endeavours to obtain household suffrage; but he thought that every petition to that House ought to be worded in respectful language.

The *Speaker*—Will the hon. Member divide?

Mr. *Wakley* observed, that he was placed in a very peculiar situation. He wished to discharge his duty to those persons who had committed their interests to his care. The object of the petition was to obtain a remission of the sentence on the five men, whom the petitioners believed to have been unjustly sentenced at Edinburgh: He took it that they had that one object in view, and that object only—that it was not their intention to insult the House, or to use any expressions offensive to the feelings of its Members. Considering they had that sole and unadulterated object in view, he thought it better to withdraw the petition to-day, and would certainly do so, with the permission of the House He would then write to the chairman of the meeting, at which the petition was agreed to, and if the petitioners were still of opinion that it ought to be presented, he should feel it to be his duty to offer it again to the House, and would certainly press the question to a division. He was happy to say that there was now no obstacle in this House to the presentation of petitions. When he first had the honour of a seat, however, a very great difficulty existed in this respect, and Members had frequently to wait for five or six weeks together, without an opportunity being afforded for laying petitions on the table, in consequence of the discussions which took place on petitions.

Petition withdrawn.

CANADA.] Lord *John Russell*, in moving that the Speaker leave the Chair, for the purpose of going into Committee on the Canada Bill, observed, that on going over the Bill he discovered a great number of verbal amendments to be necessary; and it was essential that they should commit the Bill, in order to give an opportunity to make those amendments. Of course it was more convenient that the Bill should be discussed in the amended form, if there was no objection to the principle involved in the motion for going into Committee. He should, therefore, propose that they go into Committee *pro forma* on the Bill.

On the question that the Speaker leave the Chair,

Mr. *Warburton* rose to oppose the motion, because he was anxious to state his views in support of the plan which he had on a former night submitted. As he had twice addressed the House on this subject, he felt bound to give way to those who might wish to deliver their opinions on the principle of the proposed measure. Since, however, he conceived that the proposition which he had submitted formed the only true and radical remedy for the evils which existed in the government of the colonies, and as it had been repeatedly adverted to in the discussion which had taken place, he felt justified in presenting himself once more to the House in order to substantiate the views which he had expressed. The remedy which he conceived would remove all disaffection in the colonies was to propose an amicable separation between the mother country and the colonies. He acknowledged that the mother country conferred the greatest possible boon on the colonies when in 1791 she gave them the benefit of popular representation. All the governors had counteracted the effects which might naturally be supposed to flow from popular government, and resisted all the attempts made by the colonists to obtain a full recognition of their liberties. A charge had been preferred against the House of Assembly of want of intelligence, and ignorance. Now, what was the proof to substantiate this accusation? Why, that they offered to grant 24,000*l.*, ten per cent of their whole revenue, in support of national education. Was that House prepared to make a like proposition? And yet several Members had taunted the House of Assembly with a want of advancement in civilisation, and with not coming up to the spirit of the age. In consequence of this conduct, they had won the affections of the French Canadian population. Let the House look to the returns made of members to the House of Assembly, and then deny, if they could, that it had secured the regard and confidence of the people of Canada. The impression that prevailed amongst the Canadians, that they had not obtained the advantages which usually arose out of popular representation, had led to all the unfortunate events which had taken place between the mother country and the colonies. Let them look to the petitions, not from Lower Canada, but from the whole of their North American colonies, Upper Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland, and they would find that the people required not only popular representation, but what grew naturally out of it, a responsible executive. What he meant by a responsible executive was, that if there was a majority in the House of Assembly against that government, which was put over them by the colonial government at home, or if the course recommended by the administration at home was disapproved of by them, what they asked was power to dismiss the executive, and to place in their stead ministers who would act in conformity with the wishes of a majority of the inhabitants. They had given the Canadians either too little or too much; if they were to be governed by the office in Downing-street, then they never should have had imparted to them a system of popular representation, but having had this, they ought also to have had given to them a responsible executive. It was for this, that all the colonies in North America were now petitioning. But what said the Colonial Secretary? Why, that to make an executive responsible was incompatible with colonial government. Let the House attend to what appeared to him to be the measure by which all that affected the colonies according to their present system was regulated. It was not regulated by its utility as it affected the colonies, but by another rule and standard—by whether it was calculated to assert the superiority of the mother country over her colony or not. That was the standard by which every measure was now to be judged. He would say, therefore, that it was not to be wondered at that extensive disaffection and dissatisfaction should prevail in their colonies, and it must continue to be so until they gave them the benefits of responsible government. In his opinion, by a large and liberal concession at the present moment, in which measure of concession he comprehended an intimation and signification to the colonies that they were prepared, if the colonies wished it, for the purpose of improving their own form of government—that they were prepared deliberately to discuss with them by what course of measures the independence of the colony might best be brought about—if the House was prepared to make that communication to them, in his opinion the colonies would be ready to take from them any measures preparatory to that great object, and thereby a reconciliation would take place between the colony and the mother country. But if, on the contrary, they determined not only to restore, but permanently to retain their authority in these colonies, then, in his opinion, no measures that could be proposed would be likely to bring about a lasting reconciliation. The dissatisfaction that prevailed in the colony appeared to him to have arisen, not only from the circumstances he had pointed out, but it appeared to him also to have partly arisen from the attempts on the part of the Government here to force institutions on the colony utterly inconsistent with the state of its society. The state of society in the colony, disguise it as they would, was essentially democratic. The uniformly easy circumstances in which the inhabitants lived, their institutions and laws, particularly that which shut out primogeniture, and established an equalization in property—this state of society, he repeated, was essentially favourable to democratic institutions. Instead of framing the laws which this country intended to apply to the colonies, so as to suit this state of society, we had been endeavouring in vain to raise up an aristocracy in that country, to which it was proposed to intrust a large share in its legislation. Such a chimera as that was never before attempted. Amongst others, Sir G. Murray had talked of the great object which it would be for the mother country if an aristocratic body were formed, to which should be given that portion of legislation which fell to the House of Lords in this country. It was impossible to create such a body by any positive law or institution. The favourable light in which aristocratic institutions were viewed in those countries where they were established was supplied by old habits and historical recollections. It generally happened that the aristocrat was connected, though remotely, with the conqueror of a people, and thus were engendered and transmitted these feelings of a right to legislation of the superior and submission on the part of the vanquished which prevailed in old countries. But to propose in a country where there was an equal distribution of wealth to set up by law an aristocratic institution, was, he again maintained, the vainest chimera that ever entered into the mind of man. If such a thing were attempted, it could only end in the extensive disaffection which now prevailed in Lower Canada. Add to this the example of those rights which were the very foundation of the institutions belonging to the country immediately in contact with Canada, and by which a love of liberty was brought home to their very door. Such institutions were as contagious in their influence as that of a democratic government in France would be to the European states by which it was surrounded. But it was said by those who were opposed to an extension of popular rights to the Canadians, that their present condition was a very happy one, and that they enjoyed great physical comfort. He always thought, that men so situated were fittest to be made the recipients of free institutions. But were they satisfied with mere physical comforts? Had they no moral wants? Was this country, that had favoured Greece, Poland, South America, and Hanover in their struggles for freedom, prepared to deny that aid to Canada? Would they refuse to the Canadians, to whom they had already granted a large share of liberty, the right of aspiring to a greater, and of enjoying all the advantages which arose out of popular institutions? He maintained, therefore, that so far from the physical comfort in which they lived being any reason why they should rest satisfied with their present condition, it was the best possible argument in favour of granting them more extensive rights. When he said, "Emancipate your colonies," he did not mean that this course should be adopted in a hasty or partial manner, but that we ought maturely to consider by what steps we might make that emancipation comprehensive, and include not only Lower Canada, but all the American colonies at the same time, so as to form all into one great federal union. Various objections had been thrown out to his plan for the emancipation of the colonies. First, it was said, "the time is not yet come for such a change; the Canadians do not themselves wish for it; and so far from having any desire to part from the mother country, they are warmly attached to it." Was it their intention, then, to delay emancipation until disaffection proved the real wants of the Canadians? Was it not, on the contrary, most desirable to bring about this change whilst a good feeling towards the mother country still existed? Why not yield to policy and justice what would be forced in the end by extensive disaffection. "Oh, but the colonies do not desire separation; they express no wish for it!" Why, for a very good reason. If any person in the colonies were now to express such an opinion, he would be branded by the loyal party as a traitor. Persons could not openly maintain that doctrine for fear of the consequences that would follow to themselves. But, however, he had shown to the House that the people were in favour of a measure which they themselves stated was incompatible with colonial government; they were in favour of a responsible executive; and it was said by the Government a responsible executive was incompatible with colonial government. He proved, therefore, that they were in support of a measure that was said to be incompatible with colonial government; and would the House not draw the necessary inference that, being in favour of what was incompatible with colonial government, they longed for and aspired to emancipation itself? At any rate, this was a disguised claim for emancipation. Then the hostility of races and difference of origin, and the necessity of considering and discussing the questions arising out of those circumstances had been adduced as an argument against separation. He admitted it might be an argument against immediate and hasty separation, without due natural regard for the inhabitants of the colonies. Jealousy had arisen out of the Orangeism of the country. He did not use the word in an offensive sense; but this jealousy had arisen from the undue favour which had been shown one race, and the state of degradation and submission in which this country had kept the other. Where equal laws were extended to people of different races, these jealousies were always at an end. This had been exhibited already in the case of Canada itself. When, in the year 1828, the two different races laboured under common grievances, had they not come as common petitioners, harmoniously agreeing to petition together for the redress of those grievances? In the United States of America, where every race was to be found, but existing under equal laws, no jealousy was to be found. People living under equal laws did not employ themselves in cutting each other's throats. If the House, then, would not in a hasty but in a prudent manner, bargain with the parties concerned for equal protection and equal preservation of rights, all jealousies would terminate. While there was still a great remnant of affection for the mother country, if they would determine on a separation, and bargain for the titles of the British settlers, every jealousy and unkind feeling of one to the other would perish. He acknowledged that emigration was undoubtedly a very great advantage to this country; but it was not to our colonies emigration was chiefly directed. On the contrary, it was greatest to those countries which had been emancipated from colonial dependence. At present the amount of emigration to the whole of our North American colonies was not more than 30,000 persons annually; whereas the emigration to New York alone amounted to 60,000. So that in the event of our emancipating the North American colonies, there would be no diminution, but, on the contrary, a considerable increase of emigration. They need only trust to the interests of the colonies themselves, and he was sure that they would, although independent, receive with open arms all the emigrants who should think proper to go to them. As to the question of trade, it must be of great importance to carry on trade with such extensive countries as the North American colonies. But then it was well known that England lost a great deal by giving them the monopoly of the timber trade, to which he had always been opposed. The whole amount of the export trade from Canada and New Brunswick was 1,500,000*l.* annually, and of that 1,100,000*l.* was in timber alone; yet rather than go to a war of independence with them, he would willingly give them a lease of the timber monopoly for a term of years, and they would be too happy to accept such a bargain. Owing to an omission in a bill of Mr. Huskisson, the Americans were enabled to avail themselves of this privilege, and he had no doubt that if we afforded them an opportunity they would be but too happy to afford us continued supplies. But it was contended, as one argument for the continuance of the connection, that this extensive trade in bad timber was in some degree the cause of our great naval power, inasmuch as it gave rise to the carrying trade. Now he was prepared to show that a falling off in this latter species of trade, and any injury to our naval power, were not contingencies to be apprehended from the separation of the colony from Great Britain, because it was equally in our power to carry on that trade, as well after an amicable separation as before. If this trade in timber was necessary to the sustentation of our naval power, which he was not prepared to admit, he would say that, in order to give that support the greatest effect, they ought to release the Canadas from their control. For a maritime country the best means of providing for the increase of the navy was to promote in every possible way the increase of the revenue. Now it was never contended that the continuance of the monopoly of the Canada timber trade tended to increase the revenue of this country, but the reverse. Then here was another reason for separation, as the carrying trade might, after such separation, be still retained. A great deal had been said with respect to the diminution of power which Great

Britain would sustain if she consented to this step. So far, however, from Canada being a source of power, she was a source of weakness; for a colony in a state of revolt; and a people in a state of total disaffection and estrangement, could not, under any circumstances, conduce to the strength of the mother country. A large naval and military force, which might with advantage, and a great saving of expense, be employed elsewhere, was required to keep down the revolted province, and to prevent others from becoming disaffected. One of the greatest sources of happiness was security, but, so long as the colonies were continued in a state bordering upon revolt, peace must necessarily be endangered. It was said, however, that if independence were conceded to the North American colonies, the example would be contagious, and would spread to our other colonies. Now many of our foreign establishments were merely in the nature of military posts. The rule applied to our North American colonies, therefore, could not be applicable to those settlements, the inhabitants of which had been in the enjoyment of civil liberty; but to colonies similarly circumstanced with the Canadas, colonies which, being already possessed of a large share of civil liberty, were anxious to extend that liberty, the additional share of freedom ought to be granted. With regard to the question of revenue, it was not disputed that both the mother country and the colonies would be gainers by the independence of the latter. The colonies would gain the simple and cheap form of Government which they desired, and the mother country would save all the expenses of colonial, civil, and military establishments, to say nothing of the vast outlay to which it had been put for canals, &c., in the North American settlements. But it had been said their national honour would suffer if the Canadas were given up. He considered the best foundation of national honour was the obtaining a character for clemency and justice. If we did not accede to the demands of the colonists we should have to rule over a disaffected people, and we could not maintain that rule without a recurrence of those slaughterings and burnings, which in the eyes of all Europe, would be considered as reflecting on our national character for clemency and justice. We could not maintain our empire in that colony without losing that character. The period of separation ought not to be deferred until the desire for it on the part of the Canadians arose to such a height that what we refused to concede to justice we should be compelled to yield to force. If separation were now given as a boon, all questions of right which would arise between the mother country and the colony would be moulded to our wishes, while a feeling of amity continued to exist. In reading over the bill, he, for one, was sorry to find that the power which was granted by it to the new governor was to be confined to Upper and Lower Canada and that he was not to be empowered to call together representatives from all the North American colonies, for the purpose of concerting measures to form a great federal union. That appeared to him to be the only mode by which a lasting settlement of this great question could be effected; and, among other advantages, would provide some balance in that quarter of the world against the gigantic power which was growing up in the United States. If some such proposition had existed in the bill, if the emancipation of all our North American colonies had been contemplated in it, that, in his opinion, would have been the best peace offering that could have been made; and to effect that object he would have willingly armed the new governor with extraordinary powers. But the object proposed by the bill was of much too limited a nature to settle the existing differences. On these grounds he should in every stage oppose the bill; and although he would not advise those who thought with him on the subject to divide upon the question of the Speaker's leaving the chair, he hoped that upon the third reading the journals of the House would record their protest against the measure.

Mr. *Ellice* assured the House that he approached the consideration of the subject with great reluctance and difficulty. But in consequence of what had passed during a former debate, and of the apprehension that serious consequences might ensue from any great division in that House on any part of the bill leading to misapprehension in Canada with respect to the feeling of the people of England on the subject, he thought it his duty to offer to the consideration of her Majesty's Government whether it might not be possible, looking at the advantage of unanimity, so to alter the preamble of the Bill as to prevent any misunderstanding between the two great parties in the House. The hon. Gentlemen opposite might take that statement as they pleased. If he had only party objects in view, he should never have adopted the course which it was his intention to adopt on the present occasion. He was influenced by other duties and other feelings. He felt a personal interest in the subject; and, indeed, that personal interest had been one great reason why he had not hitherto taken any part in the discussion upon it. But when he saw all parties agreed, or nearly agreed, upon the principle of the measure (for he must think, after what had been stated by the right hon. Baronet opposite, and by his noble Friend below him, that they were agreed on that general principle), he thought that they ought to get the better of party considerations, and to concur in endeavouring so to frame the measure as to make it calculated to produce the most beneficial effects, and to give to those who were to carry it into execution the best means of reconciling all parties. [*Hear, hear!*] He assured the hon. Gentlemen opposite, who had received what he had just said with a cheer, that until five minutes before he entered that House, nothing could be further from his intention than to make the proposition which he was about to make. He appealed to all his friends below him whether they were aware of the course he was about to take until he gave his noble Friend notice of it just before he entered the House? But, as he was thus engaged in the discussion, he thought that before he proceeded further, he ought to state to the House (and he would not trespass long upon the patience of the House in doing so,) the reason which induced him to give his support to the Bill under consideration. It might not be in the recollection of many Members of that House, that so early as in the year 1822 her Majesty's Government had, at his suggestion, brought in a Bill for the union of the two provinces of Upper and Lower Canada. The principle on which he founded the proposition for this union was the principle which had on so many occasions been advocated by his hon. Friend, the Member for Bridport, the expediency of establishing a strong government in Canada, and of rendering it too great a state to be subject to the temptation of becoming one of the states of a neighbouring power. He had been for doing this on those principles of liberality and freedom, on which alone any undertaking of that nature could be successfully or beneficially conducted. He never for a moment proposed to press on the people of Canada a government founded on those extraordinary notions of prerogative and power which were entertained and avowed by some persons. He wished, on the contrary, that the Canadians should have every advantage in the connexion, and he did not wish that they should be kept in subjection to this country for one moment longer than they thought the connexion beneficial to themselves. He believed that the expressions he used on the occasion to which he had alluded were—"We should establish a constitutional government in Canada, which we may reasonably expect ought to satisfy all classes of our fellow-subjects there; we ought to fix the arrangements respecting the civil list in a manner that will not admit of any dispute or difference: having done this, we ought to govern the country with a silken thread, and whenever the Canadians express their desire to part from us, so far from forcing them to a further submission to the yoke of which they are tired, we should encourage them to make the experiment of self-government under our protection." Such were the principles on which he had proceeded. When it was said that the people of Canada were suffering under grievances, he perfectly concurred in the assertion. If hon. Members referred to the evidence which he had given during three days before the Committee, they would find that no man could be more sensible of the existence of those grievances than he was. He had described those grievances, however, not as the grievances of one party, in one colony, but as the grievances of all parties, in all our North American colonies. What had been the course pursued with reference to Canada since that period? He was bound to say, that that country had not been governed on the principles which he had advocated. He was bound to say this; and his hon. and noble Friends below him knew that that had always been his opinion. He thought that Government ought at the time to which he was adverting to have distinctly stated to the people of Canada what they would do, and what they would not do, and that when they were asked to give up the revenue and place it under the control of the House of Assembly, they should have refused to consent to any such proposition. The government of Canada would be as impracticable as the government of Ireland would be, if one party were allowed to hold the purse-strings of the state, and to say whether or not they thought it fit that the public officers of the state should be paid. Suppose the Lord-Lieutenant of Ireland were to be placed in such a situation, with two rival parties in the country, that the party which, as he thought (although, perhaps, the hon. Gentlemen opposite might differ from him on that point), had just raised themselves from a state of oppression under which they had long laboured, was to be intrusted with a domination over the party by whom they had formerly been oppressed, what would be the inevitable consequence? It was well known that an oppressed party, when they acquired power, became the greatest oppressors. It would be impossible for this country to administer the government of Canada if the purse-strings of the province were to be placed in the hands of one of the parties. It was on that account that he differed entirely in opinion from Lord Goderich when that noble Lord gave up the revenue—the only means by which it was possible to control the conflicting parties in Canada. That revenue having been abandoned, he well knew that other demands would soon be made. Before making such a concession, they ought to have considered what practical means existed of carrying on the Government of Canada. It was all very well to talk of a system of liberal Government. Those who knew him knew very well what his political principles were; and he believed, he should never be accused of shrinking from the assertion of liberal principles, or from the application of those principles, in any case in which they were applicable. It might be said, that it was proper and necessary that a nation should be governed by means of the majority of the people. In ordinary cases he admitted, that that principle was perfectly correct; but the application of it to the existing situation of Lower Canada, would never be approved of by those who calmly considered the feelings, passions, and prejudices of men. Lower Canada never could be governed by the majority, neither would it be possible to govern it by the minority. Government ought to have kept in their hands the means of paying for the administration of justice, and for the other civil expenses of the province. When they were required to surrender those means, they ought to have refused to do so, and to have said at once, and without hesitation, "We will not give up that which alone will enable us to hold the balance between the two rival parties." He would tell the House that no settlement of the existing differences could lead to anything but civil strife, which, in the anomalous state of that country, did not give the Crown the power to become the arbiter between the two parties. He had seen letters in newspapers, written by gentlemen, who asserted that the House of Assembly ought to have the control of the purse strings; and that the only way to do justice to them, was to give that power to them, conjointly with an elective Legislative Council. If the people of Upper Canada had continued for several years to desire that the Legislative Council should be elective, although he (Mr. Ellice) might think that it would be extremely difficult to govern any country on the monarchical principle with democratic machinery, he should be the last man to force the people to conform to his opinion. But, undoubtedly, he would not yield the point without giving the Canadians ample time for reflection, and without trying to persuade them, that the advantages which they enjoyed from their connection with this country were much greater than any advantages which they could expect from a dissolution of that connection. It ought to be recollected that no form of Government was absolutely perfect. He had seen a great deal of the United States, and he had there seen one political party opposing another with the utmost violence and acrimony. He would, therefore, have done his best to persuade the people of Canada that the form of Government under which they at present lived, was better than any which they were otherwise likely to possess. But it was observed, that the Canadians were entitled to say, "We are much obliged to you for your advice, but we think we know what is best for ourselves;" and undoubtedly if, under other circumstances, they persevered in that opinion, he should be disposed to yield to it. But let the House look to the difference of the case in Lower Canada, where the question was, if one party should be allowed to pay the judges or not, until an elective Legislative Council should be granted. The objection of the House of Assembly was not founded on a just principle. To consent to their demand would be to place the power of the State entirely in the hands of the French party. He had himself, when in Canada, told Mr. Papineau, that it would be impossible to grant an elective Legislative Council, for the English inhabitants of Lower Canada well knew, that such a measure would inevitably place them in the hands of the French party; and, therefore, that the British Government could not take such a course, if the connection between Canada and Great Britain was to be maintained. What would have been the case if, instead of entering into the contest, now he hoped at an end, the Queen's troops had been withdrawn from Canada? Could the Canadian people have governed themselves? He knew very well the state of education in that country; and he knew, that not one Canadian, or that not two Canadians, in a hundred could read and write. What, then, must have occurred if the British troops had been withdrawn from Canada, and if the Canadians had been left to themselves? In the first place, there would have been a most sanguinary conflict in the province; for the British party could not be expected to yield without a struggle. This conflict must have been attended with great loss of life, with extensive misery of every description, and with a dissolution of the very elements of society that it would have taken many years to repair. If they had been defeated, the English in Canada would have become mere hewers of wood and drawers of water, the very off-scourings of the population. In such a conflict as he had imagined, it was to be expected that the inhabitants of some of the neighbouring American States would have afforded their assistance. It was well known, that the power of the United States to prevent their citizens from taking part in such a contest, was very limited. But did the House imagine that the sympathies of the Americans would be all one way—all with the English race? And, besides, how easy it would be to divide Canada among the states of New York, Vermont, and Maine. Without imputing any improper motives to the citizens of the United States, everybody knew that they considered their government a good one for their neighbours. His decided opinion was, that it would have been much better if a resistance had been made at an early period to the attempts of either party in Canada to predominate. He wished to know no difference among the inhabitants; he wished to consider them not as belonging to the British party, not as belonging to the French party, but simply as Canadians. It was said that the subject had always been one of great difficulty. That was true. Providence permitted the occurrence of difficulties; but it was our duty to endeavour to surmount them. His hon. Friend below him seemed to be of opinion that no advantage had been lost by the concessions which had in former years been made. For himself, he repeated that to whatever other concessions he might have been disposed to consent, he would never have given up the control of the revenue. He would have stated boldly and at once, "The executive government cannot be administered unless the civil list be first provided for. If you will not give it, we must take it." The appointment of an elective Legislative Council he should have resisted, because he should have known that it must eventually have led to hostility between the two races, and to civil war. He begged pardon of the House for trespassing at so much length upon their attention; but the subject was one of extreme importance. His hon. Friend, the Member for Bridport, had said, that it would have been much better to have retired from the contest, and to have made the best bargain we could for the English settlers. But what bargain could we have made for them? What protection would have been available to them except the protection of the British Legislature and the British Government? Strange doctrines had been broached upon this subject. Of this he was convinced, that nine-tenths of the misery inflicted upon the Canadians had been suffered by them in consequence of the bad advice which they had received from persons in this country. He did not mean, however, to charge those persons with anything but proceeding upon mistaken principles. But when he saw the poor Canadians urged and driven into a hopeless revolt, he could not but think, that besides all those national prejudices which rendered them an easy prey to the delusive statements of their leaders, they had been further influenced by the statements which had been made by hon. Members of that House, and by other persons, with reference to the landed property in Canada which would be at their disposal in the event of success. Now, what people, or what Government, having the slightest regard to honesty, ever proceeded on such a principle as that comprehended in this intimation? In the State of New York at the time of the American revolution, his family were in possession of large landed property. They were not American citizens—they were in fact considered as alien enemies; but was their property less respected on that account? On the contrary, he had reason to know that the governing authorities in the state of New York evinced the utmost disposition to protect that property, and went out of their way for that purpose. He did not believe, however, that the temptation which had been thus held out would be very extensive in its operation. The poor misguided persons who fought at St. Charles, he was sure had no such motive; and, with respect to the Canadian population in general, he must say that he had never met with so contented, so happy, so good a people. It required a strong temptation to induce such persons to take any direct course. In speaking of Mr. Papineau, he must say, that when he knew him he appeared to be a man of talent and blameless in his conduct. It was evident, however, that when his passions were engaged in any cause they carried him beyond proper self-control. Mr. Papineau was undoubtedly the leader of that party of the Assembly with whom all these unfortunate occurrences had originated. It remained to be seen how far he could acquit himself of having encouraged them. If the revolting portion of the Canadian community had been successful, the only result of that success would have been that they would have placed themselves in a much worse condition than before. He would now revert to the object which had especially induced him to rise. He had only one object in view—if possible to abstain in that House from any party divisions on the question. It was easy to explain such matters at home; but when they went forth to other countries the case became very different. If such divisions as those which he deprecated were to occur, it was well known that the number of the majority would be comparatively small. In his opinion, therefore, a very unfounded but a very injurious impression would be made elsewhere, unless the two parties in that House would come to some understanding on the subject. Gentlemen in England as well as in Canada knew that he (Mr. Ellice) connected as he was with the latter, had always studiously avoided taking part with either side. He knew the grievances of both. He had always expressed to both his readiness to assist them in the removal of any grievance that oppressed. But he should be ashamed to stand in his place in that House as the vindicator of rebellion on the part of either. In his opinion, the easier way would be to allow his noble Friend the Earl of Durham, to employ his own means of ascertaining the feelings of the Canadian people. They were now in no difficulty with respect to the upper province. The difficulty there, indeed, had never been of the same character as in the lower province. In Upper Canada those who sought to disturb the peace, and those who defended and maintained it, were all of the same race—all bred under the same law. When, therefore, he saw Mackenzie and his unfortunate followers fairly beaten out of the province—when he saw them signally defeated in their attempt, not to obtain the redress of grievances, but to rob and plunder the city of Toronto, he did not feel for them in the same way as he felt for the insurgents in the lower province. He trusted, however, that in the upper province, as well as in the lower, all unnecessary cruelty would be avoided, and that not one more drop of human blood would be shed than was absolutely required to satisfy the imperative demands of justice. Under ordinary circumstances, the most prudent course to adopt might very possibly be to call together a deputation of the two provinces; but in the present heated state of the colonies he saw many circumstances which he thought would render it unadvisable to bring such an assembly together. As at present informed, he did not think it would be clear policy to adopt such a course. His right hon. Friends (the Ministers), who sat below him knew, that they were taking a very strong measure when they proposed to suspend *in toto* the Canadian constitution, and therefore it was natural for them to express a wish to restore it again as soon as circumstances would possibly permit. But the difficulty in which he should be placed in voting upon the preamble was this: if he voted for the amendment moved by the right hon. Baronet (Sir R. Peel) the people in Canada would say, "This is the man who voted for the imposition of an arbitrary measure upon us; this is the man who would not assent to the least modification of it; this is the man who would not allow the people of Canada to meet and concert measures for their own self-government. With the right hon. Baronet's feelings and views he (Mr. Ellice) did not wonder at the course he proposed; but it was a course in which he (Mr. Ellice) could not follow him. Instead of going out with specific instructions to convene a meeting of deputies from the two provinces, he did not see why Lord Durham should not be intrusted with powers, after a careful consideration of the circumstances in which he found the country, to adopt such measures as he should judge best for ascertaining the feelings and wishes of the people. As to the propriety of consulting, by some means or other, the feelings and wishes of the people, there not only could be no doubt of it, but he was quite sure, that his noble Friend, Lord Durham, would not undertake the Government of the country unless he were allowed to do so. Upon these grounds he hoped that his noble Friend (Lord John Russell) would not urge the House to a hasty decision upon the subject. He (Mr. Ellice) did not like to set a bad precedent upon a good occasion, lest it should be referred to and acted upon as a good precedent upon a bad occasion. He was reluctant, therefore, to adopt a course which would enable her Majesty in Council to repeal an Act of Parliament. But, at the same time the right hon. Baronet (Sir R. Peel) must at once perceive, that unless the Governor-General were armed with powers that should enable him immediately to assemble a council of the people about him, there would not only be a great loss of time, but in all probability the noble Earl, upon whose shoulders the great responsibility of the mission was to be thrown, would not undertake the task imposed upon him. Whatever opinion might exist upon the other side of the House, he (Mr. Ellice) knew of no person so fitted to undertake the task of remodelling the Government of Canada, and of giving it a permanent form, as the noble Earl, who, at great personal sacrifices of his own, had consented to enter upon the task. But the measure now under discussion ought to be considered, not in reference to the particular person by whom its provisions were to be executed, but in reference to the people to whom it was to be applied. Therefore, considering, on one hand, the time that might be consumed if the Governor-General were not armed with power to assemble a council when he needed it; and, on the other hand, considering the irritating discussions which might take place if such a council were assembled at the wrong moment, he thought it would be better to place such powers in the hands of the noble Earl as should give him every possible facility in carrying out his own views. He trusted, that the right hon. Baronet (Sir R. Peel), upon further consideration, would entertain the same opinion, and consent to withdraw his amendment. He wished now to say a few words with respect to the much vexed question of the tenures of lands. The Canada Tenures Act did not pass without much discussion. Its provisions were carefully framed, great knowledge of the subject was brought to bear upon them all, yet that act required to be amended the very first year after it had been passed. But no one when that measure was under consideration ever dreamed of suggesting that a tenure should be forced upon any man other than that which he already had. The Bill did not interfere with the tenure of those who already possessed lands, but provided that no more land should be granted otherwise than under the English tenure of free and common soccage. He was willing to admit with the hon. Member for Bridport that there was one provision of the English law which, as applied to Canada, ought at once to be changed—he meant that provision of the law which enforced the right of primogeniture. This law was not consistent with the habits or customs of the Canadians, and was consequently very distasteful to them. If Parliament desired that the provinces of North America should continue under the dominion of this country, care should be taken that all the laws intended to be applied to them should be founded, as far as possible, upon the plain and simple rules which obtained in the neighbouring states of America. He thanked the House for the attention with which it had favoured him. He certainly had not intended to have spoken upon that occasion, but he felt bound to state, that he thought he saw some light through the mist of difficulty which surrounded the question. He thought there would be little difficulty in bringing about such an adjustment of the matters in dispute as should be satisfactory to all the parties interested. He believed that the people of Lower Canada were, by this time, perfectly satisfied that they had nothing to gain, and that they could gain nothing, by opposing the mild and temperate government of the parent state. He had heard some hon. Gentlemen talk of emancipation. He (Mr. Ellice) wanted to know what the word "emancipation" meant as applied to Lower Canada? He wanted to see the dispute fairly settled. He wanted to see the two parties in Lower Canada placed in such a condition as should afford a complete protection to both, without giving undue preponderance to either. This was what he wished. If ever it came to be a question whether British dominion should be maintained in Canada for British subjects only, then he should say, that it would be better a hundred times to assist them in the experiment of self-government. Whilst he stated that opinion, and should always act upon that principle, let it not be supposed that he thought the Canadians so short-sighted as not to perceive the advantages they possessed from their connexion with this country. Upon all points of taxation, local as well as general, they were ten times better off than the people of the adjoining provinces of the United States. Many Gentlemen in the House were fond of talking of the amazing cheapness of a republican form of government; but the people of Canada, under the dominion of the British monarchy, were subjected to an infinitely smaller amount of taxation than the people of the republican states of America. If, indeed, it did so happen that the governor of the British provinces, brought up in English society, and accustomed to English habits, had a somewhat larger salary than the President of the American republic, who was accustomed to no such luxuries; or if, again, a gentleman taken from the bar of England, abandoning a lucrative practice and breaking off all future connexion with home, received as a compensation a somewhat larger salary than the judges of the United States, these were not circumstances that should be quoted as a grievance by a people whose taxation was so low, and whose external defence did not cost them a single shilling. He had the greatest hope that the people of Canada would perceive the folly into which they had been led, and that these wretched scenes of bloodshed and burning would not be repeated. He believed when the matter was once vigorously grappled with, that it would not be so difficult to strike out the means by which alone this country could ever maintain its dominion over Canada, namely, the distribution of equal justice to both parties in the province, by a more judicious administration of the executive authority and a better administration of the judicial. From the personal feelings which he entertained towards Lord Durham—feelings in which he could not expect the Gentlemen opposite to participate—he confessed he expected much from that noble Lord's firmness and correctness of understanding. He could not conclude his observations without again asking his noble Friend (Lord John Russell) to re-consider the question with respect to the preamble.

Lord *John Russell*: I feel it incumbent upon me to address a few words to the House after the speech of my right hon. Friend. I must say, at the commencement of my observations, in consequence of some ironical cheers which came from Gentlemen opposite, that I think the House is greatly indebted to my right hon. Friend for stating his sentiments on this occasion; and I must also confirm the statement which he made, that until I entered the House this evening I was perfectly ignorant of his intention of speaking. I have listened with great attention and also with great instruction, as I always do, to my right hon. Friend, whenever I have occasion to hear him, either in public or private, and whether upon the affairs of Canada or any other topic; but still I must say, that there are some points connected with the present question upon which I do not exactly agree with him, and upon which, after what he has said, I feel it incumbent upon me to address a few brief observations. In the first place I must refer to past transactions. My right hon. Friend, in alluding to this struggle, seems to be of opinion—an opinion, certainly, which I have heard him express before—that an error was committed in giving up the revenues which, by the Act of 1774, belonged to the Crown, and that that ought to have been the point upon which the resistance should have been made to the demands of the Assembly. Now, I certainly am not so far responsible for the Act of 1831 that I was not at that time a Member of the Cabinet; but I must say, that viewing, as I am obliged to do, the events which have occurred in Canada during the last few years, my opinion certainly is, that Lord Ripon was justified in proposing the repeal of the Act of 1774, and not entering into a contest with the Assembly upon that point. I am so far bound to give an opinion upon that subject, because, even if Lord Ripon had been in error, it was competent to us, in the course of the last few years, to have proposed a repeal of the Act introduced by that noble Lord. But I beg to call the attention of the House for a moment to the state in which the question would then have been placed. The Act of 1774 enforced certain duties. It applied those duties levied in Canada to the civil Government of the province, to be appropriated to that purpose by the Lords of the Treasury; but it also directed, that if there were any residue, that residue should be at the disposition of Parliament. Now, the claim of the House of Assembly was this: it was not a claim, as I imagine—and I speak now according to the opinion of the learned gentlemen who were consulted at the time—it was not a claim which they could place upon the strict grounds of law;

but it was a claim which they could place upon the ground of the constitution. They said, "According to the Acts of 1778 and 1791 you left to the representatives of the people in the provincial Legislature the appropriation of the supplies, and you ought not, by a new law, to make an exception to the general rule — a rule that, according to the constitution, ought to apply to all duties levied upon us." Let it be recollected, that it was upon this question, and mainly upon this question, that the quarrel happened between England and the United States. The United States of America expressly denied this right which was asserted by the Parliament of Great Britain. The Parliament of Great Britain, by the Act of 1778, expressly and in terms renounced this right over any of her colonies having representative constitutions of their own. To have quarrelled with Canada upon that ground, therefore, would have been to awaken a sympathy for the people of that province not only in the British colonies but in the United States of America, because in every State, both ancient and modern, that privilege is the most dearly prized; that privilege is considered the most important of all, which the people look back upon as that upon which their liberty and independence were first founded. I say, therefore, differing from my right hon. Friend in that respect, that if we had chosen to break with the Assembly of Lower Canada upon the question of the appropriation of duties, we should have had against us not only the feeling of the Canadians themselves, but the feelings also of all the other North American possessions of Great Britain, as well as the feelings of the people of the United States. Of course, when my right hon. Friend said, that in this manner the Government might have been maintained, he can hardly mean, surely he does not mean, that we should then have had the means of carrying on the Government independent of the Assembly, or, as would necessarily be the case, against the whole of the Assembly. I am sure, that that is not the meaning of my right hon. Friend. Yet by following the course which he says he should be disposed to recommend, we should have called the Assembly together, we should have made a breach with that body, and upon a point which would not have been made very intelligible to the people of this country, who would have argued in favour of the principles of the British constitution as applicable to Canada. The breach, too, would have been upon a point upon which the most sensitive feeling existed in America. But I will enter no farther into matters that relate to the past. My right hon. Friend recommends to me a most serious consideration of the preamble of the Bill. Now I will fairly state to the House, without entering into any particular argument with respect to the preamble, what is the general view which I take upon this subject. I consider that in undertaking a settlement of the affairs of Canada the Government has a most important, a most difficult, and a most responsible duty to perform. It requires nothing less than the agreement of Parliament in the general line of policy proposed to be pursued to make it either justifiable in the Government to undertake the settlement, or possible for the Governor-General to succeed in his endeavours to accomplish it. Now, a part of the mission which has been intrusted to the Governor-General is to give him the power, if he shall so think fit, of calling together a certain number of persons who may be supposed to speak in some sense the feelings of the people of these provinces. Whatever the feeling of the House may be upon the point, I am sure it is one that cannot be a matter of indifference to my right hon. Friend; because in the latter part of his speech, speaking of a measure in which he himself took great interest—in which his object was a right object, and upon which he pressed Parliament with many views of policy which were right views—my right hon. Friend, in speaking of that measure, admits that it contained this great and serious error, namely, that it established upon certain lands the law of primogeniture; the law of primogeniture being contrary to the habits and feelings of the people. I think, too, my right hon. Friend will not deny, that, with respect to that measure, there are other points that require consideration. Then I am sure my right hon. Friend will be the last man to say, that it is not of the utmost importance that the Governor-General should be enabled not only to express his own sentiments, not only to give his own views, but should also be enabled, by some authority vested in him for that purpose, to collect, if he should so think fit, in some authorised and formal manner, the opinions and feelings of those who are deeply connected with these provinces. I admit to my right hon. Friend, who, I think, does not differ in fact from our policy, that it may be entirely inexpedient to call together such a body as is named in the instructions of the Governor-General. It will be for the Governor to exercise his discretion upon that point. It will be for the Governor to determine whether the provinces are in such a state of general contentment and agreement as will render it advisable to call about him such a council. I admit, that the assembly of a council composed of the inhabitants of the province at a time when there was no prospect of their acting in concert, and with a general desire to promote the settlement of all matters in dispute, would be in the highest degree unwise and inexpedient. But when I say this, I say at the same time, that to authorise the Governor-General so to collect the opinions of the people of the province is a very considerable part and a very striking part of the general policy which we propose to pursue. It was due to Parliament, it was necessary to the Government, and necessary to the Govenor-General, whoever he might be, that that part of our policy should not be concealed or withheld. It was necessary that every Member of Parliament should have the opportunity afforded to him of saying, if he so thought fit, "Upon this point of your plan I entirely agree with you or entirely differ from you.'' There were various modes of doing this. I do not say—and I beg my right hon Friend's attention to this—I do not say, I am far from contending, that the mentioning of this instruction in the preamble of the Bill was the only way, or indeed the most usual way, in which the knowledge of Parliament could be directed to the subject, or the most formal way in which the sanction of Parliament could be given to it. I am quite ready to admit, that if the right hon. Gentleman (Sir Robert Peel) opposite had grounded his opposition to the preamble simply upon the ground of its not being in the usual form—if he had said, "You have an irregular mixture here of prerogative and legislation," I should have been ready, for the sake of unanimity upon the Bill, to have said, that I would not stand by the words of the preamble. But the right hon. Baronet, it is obvious—having certainly a perfect right so to do—has placed us in this difficulty. He makes the objection with respect to the unusual form of the proceeding, and at the same time states, that he thinks the course in itself unwise and ought not to be pursued. Now, if we were to consent to withdraw these words from the preamble—one of two inferences, or indeed both inferences, might be drawn; it might be said, Parliament has not approved of this mode of legislation; or, on the other hand, it might be said, "Parliament has condemned this policy—Parliament is not ready to consent, that the Governor-General should go out to Canada with these powers." If the right hon. Baronet were disposed to bring the general question of the policy proposed to be pursued to an issue upon any other ground, I should have no difficulty with respect to the preamble. But as this is the only point of view in which the right hon. Baronet has brought it forward, I own I feel the greatest difficulty in complying with my right hon. Friend's advice. I feel this, Sir, I feel that these measures cannot be carried to a perfect and satisfactory conclusion unless (I am not now going to enter into any discussion of the merits of Lord Durham)—but I feel, that these measures cannot be carried to à perfect and satisfactory conclusion unless some person of eminence shall go out from this country in the full confidence of the Government which then exists at home, and unless, likewise, the Government at home can undertake the measures it proposes with regard to Canada with the full confidence and support of Parliament. For my part, feeling deeply the responsibility which we have already had with respect to Canada, having always felt that it was one of the most painful, as well as one of the most difficult subjects which we could undertake, I am not prepared to carry into effect the Bill with regard to Canada, if it be in the power of any body of Members in this House, or in the power of the public in general to say, that the policy which the Government has proposed with respect to Canada is disapproved of by a majority of the House of Commons. I am not prepared to say, that we can undertake to carry the Bill into effect if hereafter it may be said, that the Governor-General, in acting upon his instructions, has acted contrary to the wishes, contrary to the will of the House of Commons. This is a point which I wish to be explicit upon. I will not enter now—I need not enter now—into the manner in which the Bill is to be carried out; but this I do say, that we must stand clear upon the point of having with us the consent and approbation of Parliament. If this Bill is to be altered in many of its provisions, or if it is to be a different Bill, let those who have made it different, let those who approve of a totally different policy, be the persons responsible for carrying it into execution. It would be far better for the country, far better for the Canadians, and far better for the general interests of the empire, that the matter should, at least be compact—that those who advise the Crown, and those who have the confidence of the House of Commons, should, at least, be the same persons; and that there should be no discrepancy between the two. I say, therefore, that I think my right hon. Friend attaches too much importance to the particular words of the preamble. I think if the words of the preamble were left out, there would still be the remaining difficulty of what is the feeling of the House with respect to it. There would still be the question, "Was the House in difficulty with respect to the terms of the preamble—has the House a difficulty in sanctioning such a mixture of legislation and prerogative, or has the House a decided opinion, that the Governor-General ought not to go out with these instructions?" I beg my right hon. Friend and this House to consider well this point, on which, sooner or later, this House must come to a decision. I do not think I am asking too much of hon. Gentlemen, when, admitting that the policy which is proposed is one of great severity, and admitting also, that we are placing in the hands of one individual, assisted, if he pleases, by a select council, and maintaining his authority instead of the local legislature which has been constituted by the Parliament, I do not think I am asking too much when I ask the House to approve the policy which we have adopted, to redress all grievances, and to prevent future ills.

Sir *R. Peel* said, that it was his intention, notwithstanding what he had just heard, steadily to adhere to the course which he had on a previous occasion stated his intention to pursue, because he was satisfied of the justice and the reasonableness of the propositions he had made. If he had entertained a doubt upon the subject (which he did not) before the declaration of the right hon. Gentleman opposite (Mr. Ellice), who from personal and local knowledge was well qualified to form an opinion of the interests of Canada and of the real nature of the Canadian question, and who this night had made a speech confirming in every respect the impressions which he (Sir R. Peel) had formed of the right hon. Gentleman's competence to judge in the matter, that doubt was removed, for the right hon. Gentleman had (he would not say it was extracted from him) borne a willing testimony to the reasonableness and justice of his (Sir R. Peel's) propositions. Confirmed, therefore, by the sentiments and opinions expressed by the right hon. Gentleman — not that he hesitated or wavered before—it was his intention to adhere to the course he had already stated: he should neither, on the one hand, be tempted to depart from that course which in the present great emergency he believed to be just, for the purpose of conciliating the support of those who entertained political opinions to which he was opposed, nor should he weaken the support promised to the Crown in order to suppress revolt by selecting out some point on which men of different opinions might concur, but he would not permit the vague intimation of the noble Lord as to the consequences of the success of his views and opinions to prevail on him to depart from his course. On the first night of the present Session he had given his support to the Address to the Crown, pledging the House to support the Crown in the suppression of revolt and insurrection; that Address had been carried by an immense majority, none of those with whom he had the satisfaction to act refusing their support to that Address. Another proposition had since been made by her Majesty's Government requiring the consent of Parliament to a Bill vesting in the hands of the Governor-General of Canada great arbitrary authority. The Government intimated the name of the Governor-General whom they had selected, and his declaration had been, that he should pay all respect to the position of the person chosen by the Crown to administer those functions; that he forgot all political differences with Lord Durham; that he would give to that noble Lord every authority necessary for the execution of the trust that he would give to any man whose political opinions were in close alliance with his own. He had further said, that he would consent to a suspension of the Canadian constitution, but that he did so with great reluctance. Now, nothing could have been easier than for him to have found some reason to withhold his assent to that suspension. Nothing could have been easier than for him to have agreed with hon. Members opposite to try the House of Assembly once more for a short time longer; but no, believing it to be right not to run the risk of calling together the present Assembly, he had given his cordial support, and those with whom he acted gave their support (some certainly with doubt and hesitation), to the great object of this Bill, namel, the suspension of the Canadian constitution, and the devolution of sufficient power to the Governor-General appointed by her Majesty's Ministers for administering the functions of the Government and legislation of that colony. Such was the course he and those with whom he acted had pursued. But he would go further and say, without caring for himself, or caring for consequences, he would go into the details of that measure in Committee, and he would there propose such amendments as he thought would make the Bill more conformable to justice. If he found that the Bill gave to the Governor-General powers that were unnecessary for the full, proper, and efficient discharge of his duty, he would in that case recommend a curtailment of those powers: if, having consented to an act of extreme rigour—namely, the suspension of the free constitution of a populous province, he found in the other clauses of the Bill an unnecessary violation of constitutional principles, he should withhold his assent, and do his best to induce the House not to sanction it. The principle to which he adhered, and upon which he should act, would be to discourage revolt, to enable the Crown to suppress insurrection, and to make ample provision for the conduct of the Government after the constitution was suspended; but he could not agree with the right hon. Gentleman opposite (Mr. Ellice) that any public object could be gained by any understanding or compromise between parties, in order to avoid a division. Let those on his side of the House suggest and propose their amendments, and let those amendments be adopted or rejected, according to their justice or reasonableness; but it would not answer either the views of the right hon. Gentleman or of himself that the general assent of the House should be purchased by any compromise, or that he and those who acted with him should have the appearance of acquiescing in that which they believed to be unjust and impolitic for the purpose of encouraging an impression in Canada, that the House of Commons were united in opinion, when the fact was otherwise. He would tell the noble Lord fairly, that his objection to the preamble of the Bill was not a mere objection in point of form; he thought it certainly to be most unwise to mix up in the preamble of a Bill a recognition by Parliament of any act done under the prerogative of the Crown. He thought it was quite right that the Crown, being satisfied as to the necessity of exercising certain powers, should do so, and then apply to Parliament for its justification. If the law were defective, and that it was impossible to act without the intervention of Parliament, then let application be made in that respect, and if aid was withheld, then let the Crown either retain or relinquish the Government under whose advice that application was made; but he certainly did object to the confusion between the prerogative of the Crown and the functions of Parliament which was implied by the recognition beforehand of a certain act to be done by the Crown. It was a precedent not only dangerous, but one which might be perverted to the worst purposes, and which might relieve the Crown and its advisers from the responsibility which they ought to take, and thereby lead to confusion between the different branches of the Legislature. On that ground he objected to the preamble. He had not proposed to move the simple omission of the words in question, but he should propose the substitution of others, by which he intended to imply, that Canada was not to be Governed by despotic authority, and that the only hope to govern the North American provinces was by the intervention of a constitution founded on free representation. But independent of the objection in point of form, he avowed that he entertained great doubts as to the policy at present proposed; he objected beforehand, and without further information, to give his sanction to the measure as it stood. He had already distinctly said, that he would impose no restriction on the prerogative of the Crown, but in the absence of information, and in the state of feeling which existed, he did claim for himself and others that they should not be called upon to sanction any particular instructions, which in the exercise of the royal prerogative had been given to the Governor-general. If he did give his sanction to those instructions, he should be placed in the situation of a responsible Minister of the Crown, and be a participator in the responsibility of the Ministry. Did he doubt that it might be right that Lord Durham should collect information from all quarters—did he doubt that it might be advantageous that the state of feeling in both the Canadas should be ascertained? Not at all; but he was not prepared to say, that it was fit and proper for the House of Commons to prescribe to Lord Durham the mode in which he should take that information—he was not prepared to say that a certain assembly should be called together now, or in the next year, or that in the state of exasperated feeling which existed in that province, the assembling of constitutional bodies in great numbers, and that the two Canadas should be brought, if not into collision, at all events into contact, was a wise measure; neither was he prepared to say, that having suspended the whole representative principle in Lower Canada (and these were sentiments in which those hon. Members who were opposed to him in politics must concur and affirm), ten men selected from five districts in Canada would be a full, fair, and free representation of the people of that colony. He knew nothing whatever of any representative system in Canada, except that which was by law established, and which they were now about to suspend. The House of Representatives consisted of eighty individuals at this moment, who were the only recognised organs of the sentiments entertained by the inhabitants of Lower Canada. The propriety of suspending that Assembly in the exercise of its legislative functions was the question now proposed to the consideration of the House; but he certainly could not consent to the declaration that ten persons, selected from five districts by the ordinance of the new governor, in pursuance of a new mode of election established by him, and with a newly-constituted tribunal for settling those disputes which would probably arise as to the eligibility of the individuals returned, and the legality of their election he never could be brought to affirm, in the words of the preamble of the Bill, that the persons so selected would constitute a fair and a fitting representation of the sentiments of the Canadian people. He never could believe that the Members of the British House of Commons, who, in a constitutional point of view, were the guardians of the representative principle, could consent, through the agency of this Bill, to the abolition of that representative system which the constitution of both Canadas had established, and at the same time give their sanction to the declaration that ten persons selected in the proposed manner would form a fair and fitting representation. This was a point with reference to which he relied with much confidence upon the support of the House. Upon this ground, therefore, he objected to the principle of the measure. When Lord Durham arrived in Canada he might possibly find it practicable to carry the proposed arrangement into effect; but if he (Sir R. Peel) were asked beforehand whether, in a province in which martial law was established in many districts—in which rebellion had been only just suppressed—if he were asked whether it would facilitate the adjustment of the important interests—the settlement of the vital questions at issue—to take twenty-six gentlemen, six of them chosen by the governor from the members of both Legislative Councils, ten of them elected by the inhabitants of Upper Canada, whose feelings and interests were directly opposed to those of the people of Lower Canada, and to give them a majority of sixteen to ten composed of individuals known to be opposed in feeling to the inhabitants of the Lower province—he would at once declare that he was not prepared to answer in the affirmative. He was not disposed to place any restriction on the authority of the Crown; neither was he actuated by any unworthy desire to embarrass those with whom the responsibility rested; but he must protest against an independent Member of the House of Commons, like himself, owning no relations but those of a faithful representative of his constituents' opinions, and an eager solicitude for the preservation of the constitution in its integrity, being called on to become a party to the establishment of such a representative principle. Might he not contemplate this result, that the people of Upper Canada would refuse to comply with the proposed regulation, a result which did not appear at all improbable, considering that the inhabitants of that province had at the present moment a Legislative Council and a House of Assembly in full activity and numbers, sitting and discharging legislative functions under the sanction of an Act of Parliament? Suppose that the people of Upper Canada were to say, "We won't agree to the proposed arrangement—we can't consent to part with our legislature, which holds its sittings upon the faith of an act of Parliament, and exchange it for a representation composed of three persons selected from one Legislative Council, and ten individuals named by the people—we will not run the risk of parting with our legislature even for a time." Assuredly, when he saw by the instructions contained in the dispatch of the noble Lord, the Secretary for the Colonies, that the Committee which it was proposed to appoint would be not only empowered to take into consideration matters involving the interests of both provinces, but that to the thirteen members furnished by the province of Upper Canada would be intrusted, conjointly with the other members, the power of regulating the domestic concerns and the future political institutions of the province of Lower Canada, he could not refrain from entertaining strong doubts as to whether the suggestions which they might be disposed to offer would be acceptable to the inhabitants of the lower province. If the Government desired it, they might press the arrangement, but they must take upon themselves all the responsibility, and he must refuse to be a party to it. In this, therefore, as well as in other matters connected with the subject of that night's debate, he would propose such amendments as might suggest themselves to his mind as just and desirable. Notwithstanding the observations of the right hon. Gentleman (Mr. Ellice), he must persist in the expression of his opinion that the power which it was proposed to concede to Lord Durham of appointing to the Committee the six members of the Legislative Council was a power which it was neither judicious nor proper to extend. If, however, the hon. Gentleman could convince him that it was right to concede this power, he would not insist upon pressing his amendment which referred to that point. He had not the slightest disposition to propose any amendment tending to deprive Lord Durham of any powers which were necessary for the proper discharge of his functions. But he would steadily pursue that course of which his judgment approved, in submitting to the House such amendments as appeared to him to be conformable to reason and justice—such amendments as would prevent this Bill from establishing a dangerous precedent, or introducing any principle which was at variance with the spirit of the constitution—such amendments as would preclude the devolution upon an individual of any powers which were not necessary for the settlement of the disputed questions, and the reconcilement of the conflicting interests. He should press his amendments, and it was for the noble Lord to consider well the course which it was most proper for him to pursue.

Mr. *Ellice* explained. After hearing the right hon. Baronet's Speech, he did not perceive any essential difference in principle between him and the proposers of this Bill. The right hon. Baronet proposed the concession to the Governor of Canada of the utmost latitude of powers for the carrying of the provisions of the Bill into effect. The particular plan proposed by the Government for accomplishing the objects which were proposed in this Bill was not suggested as imperative upon the House. He believed that the whole House were agreed that Canada could not be governed except upon the representative principle. Government entertained no intention hostile to the preservation of that principle in Canada. With regard to the precise nature of the powers to be conceded to Lord Durham, it was necessary that the views of all parties in that House should be ascertained; but it appeared to him, that much of the discussion suggested by the right hon. Baronet was upon very unimportant subjects.

Viscount *Sandon* was understood to object to Ministers dictating to the House to adopt one particular mode out of many for the settlement of the disturbed state of affairs in Canada, more especially as the mode suggested appeared to him to be perhaps the very worst they could have selected. He could not understand the nature of the cumbrous and imperfect machinery, by the aid of which Ministers propose to carry their intentions into effect—machinery involving the re-construction of the elective franchise in Canada and the establishment of new modes of return, as well as of the trial of the validity of those elections; and all this in a country which was just emerging from rebellion. It was quite unfair to call on the House beforehand to give its sanction to such a project. He, therefore, would support, with cordiality, the amendments of the right hon. Baronet.

Mr. *G. F. Young* was of opinion that the practical speech of the hon. Member for Coventry, must have produced a very strong impression on the House. That hon. Member had thrown out a suggestion, upon which he trusted and believed that the noble Lord would act. But for this suggestion, and the corresponding alteration in the measure which he anticipated as its result, he should have been involved in the necessity of voting, in vindication of his consistency, against the measure proposed by Government. And here he would take occasion to express his strong sense of indignation at the course which had been pursued by the inhabitants of Lower Canada. Nowhere, he believed, in the pages of history, was there recorded a single instance of a revolt having taken place with so little even of the shadow of a justification upon the part of the insurgents; and it was a source of the deepest regret that some Members of their honourable House had, by their participation in the views of the rebellious Canadians, made themselves instrumental to the necessity of adopting those strong measures which it was now proposed to introduce. But he contended, that the Canadian people generally were too sensible of the important benefits they derived from their connexion with this country to wish for a total separation from it. Grievances might, and no doubt did, exist, but not by any means to such an extent as some hon. Members would have it believed. In fact, they had heard more about oppression in this country and in that House, than they had amongst the Canadians themselves. In reference to any proposed abandonment of that colony, it should be recollected that as an outlet for British manufactures it was one of our most valuable markets, while it, at the same time, afforded considerable advantages as regarded the shipping interests, and held out very great inducements to emigrants from this country. A parallel had been attempted to be made between Canada, in what was termed her struggle for freedom, and Ireland. Now, he could state on most unquestionable authority (and the hon. Gentleman read a letter from a bishop in Canada in support of his assertions) that the Roman Catholics of Lower Canada were not, as had been stated by Mr. Roebuck and others, taxed for the support of any church but that to which they themselves belonged; that the Catholics and Protestants lived together in the greatest harmony; and that in the late commotion, none had evinced greater loyalty to the British throne than Irish Roman Catholics settled in that Colony.

Mr. *Baines*, notwithstanding the indisposition he always felt to occupy the time of the House, could not satisfy himself, on a subject like this, involving the interests of millions of human beings at home and in our colonies, by giving a silent vote. He felt it due to the Government to say, that they had done themselves honour by declaring, that they would govern Canada on no other principles than those of constitutional liberty. An important crisis had now arisen in the colonial history of this country. If that crisis were used wisely, the melancholy events which had recently occurred in Canada might be retrieved, while, if wisdom did not direct the councils and the legislation of this country, we might have again to pass through scenes similar to those which took place between the years 1774 and 1782, both in North America and in England during the struggle for American independence. It appeared from the preamble of the Bill introduced into this House by his noble Friend, the Secretary for the Home Department, that the House was to be called on to declare, that it was expedient that the province of Lower Canada should be permanently governed under the dominion of Great Britain. To that proposition he was not prepared to give his assent; and in order to arrive at a just conclusion on this point, it was proper to inquire what was the cost of governing Canada as a dependency on this country, and what the gain we derived from its possession? As to the cost, it appeared from the financial statements laid before this House, that it amounted to the sum of from five to six hundred thousand a-year. The Paymaster of her Majesty's forces said to 600,000*l.* It also appeared, from a speech made by his right hon. Friend, the President of the Board of Trade, that the expense incurred by this country from receiving the inferior timber of Canada, over and above the cost that would attend the same supply of sound timber from the Baltic, amounted to 1,400,000*l.* a-year, making a clear annual cost to Great Britain and Ireland of 2,000,000*l.* a-year; which sum would be saved if Canada was an independent state. The question then arose, what valuable consideration did we receive in exchange for this enormous annual cost? His noble Friend, the Secretary of State for the Home Department, the other night had said, that the retention of our colonies was the cause of the strength of our commercial marine. But he had always understood, that the strength of our commercial marine was rather derived from the capital of our merchants, the skill and industry of our manufacturers, and the enterprise of our seamen; and in proof of this he might say, that our commercial marine trading to the United States at present, when that country was an independent republic, was four or five times as large as when that country was a dependency of Great Britain. But in order to show that the strength of our commercial marine did not depend upon our Canadian possessions, he would quote the words of the right hon. the Paymaster of her Majesty's Forces (Sir Henry Parnell), whose authority stood deservedly high and would have due weight on the Treasury bench. That right hon. Gentleman said,

> "With respect to Canada (including our other possessions on the continent of North America) no case can be made out to show, that we should not have every commercial advantage we are supposed now to have if it were made an independent state. Neither our manufacturers, foreign commerce, nor shipping would be injured by such a measure. On the other hand, what has the nation lost by Canada? Fifty or sixty millions have already been expended, the annual charge on the British Treasury is full 600,000*l.* a-year, and we learn from the second Report of the Committee of Finance, that a plan of fortifying Canada has been for two or three years in progress which is to cost 3,000,000*l.*"

From this statement it appeared, and no higher authority could be found, that Great Britain would enjoy all the advantages that she at present possessed if Canada was an independent state, both as regarded her merchandise, her trade, and her shipping; and that having already spent fifty millions of money in raising that country to strength and importance, she would, if the Canadians were left to govern themselves, be saved a future expense of 2,000,000*l.* a-year. There was, however, one advantage derived from the possession of Canada which had not been stated, and that was, a great extent of official patronage. If Canada was exalted to the rank of a free state, they should have much fewer governorships and secretaryships to bestow than at present, and much fewer appointments in the army, the navy, and the civil departments. But no such consideration would influence his Majesty's present Government, and the people of Great Britain had too little regard to official patronage to purchase it at so exorbitant a price as two millions sterling a-year. But it was alleged by the right hon. Gentleman, the Member for Tamworth, the other night, that if independence were conceded by this country to Canada, the other colonies might set up the same claim, and that even the Isle of Wight might insist upon an independent Government. As to their other colonies setting up a claim to independence, it might or might not be advisable to concede such a claim, according to the circumstances of the case; but as to the Isle of Wight being induced by the example of Canada to insist upon an independent Government, the idea was preposterous; though if the Isle of White was at a distance of three thousand miles from England, instead of one hour's sail—if that island contained ten hundred thousand inhabitants instead of two thousand, and if it had, like Canada, enjoyed a Legislative Assembly for seven-and-forty years, there might have been some fitness in the comparison. It was further insisted, both in the House and out of it, that it was the bounden duty of Great Britain to retain its sway over Canada, because a vast number of its own subjects had settled in that country, and if British influence and protection were withdrawn, these settlers would be subjected to all sorts of violence and injustice. The Gentlemen who made this assertion accompanied it with others which served to show how unfounded was their apprehension of danger. They said that in the two provinces of Upper and Lower Canada there were a million of inhabitants—that in Upper Canada there were four hundred thousand, nearly all English and Irish; and that in Lower Canada there were 600,000 of whom 170,000 were English and 430,000 French Canadians; the property of the country, they said, also, was principally British or belonging to British settlers; and as to the intelligence, the preponderance was decidedly on the side of the British. If this were so, and he (Mr. Baines) was not disposed to deny it, was it to be supposed that the French Canadians, though enjoying some advantages in point of local settlement, but inferior as they were in numerical strength, in property, in intelligence, and in influence, would, if they had the disposition, be able to tyrannise and oppress their British neighbours? It was also alleged that to submit to the severance of Canada from Great Britain would be to deprive the crown of England of one of its brightest jewels; but this figurative expression was calculated rather to impose upon the imagination than to convince the judgment, and so far from the Crown of England being tarnished by the voluntary surrender of Canada, when the time came that the people of that country generally thought that they ought to be free, and felt that they were not, the example of emancipating the colony would be highly appreciated in other times and by other countries, and would give to England a perpetual claim to the gratitude of the Government and people of Canada. It was on these grounds necessary and proper, when Lord Durham arrived in Canada as governor-general of that province, and when he assembled around him the representatives of the provinces, men best acquainted with their interests and their opinions, that he should inquire of them what were their wishes as to the establishment of an independent government either as to Canada separately, or as to their other settlements in North America, on the plan of federation so ably recommended by the hon. Gentleman, the Member for Bridport. In his opinion, a power to make this inquiry should be given to the noble Earl in his instructions from the Colonial-office. Such a power, accompanied with the attribute of general amnesty already promised would do more to tranquillise Canada than any coercive clauses introduced into the present Bill; indeed it would supersede to a considerable degree the necessity for such clauses; and it would be strikingly accordant with that love of liberty to which the noble pacificator, who would then be hailed as a public benefactor, was so strongly attached. The right hon. Baronet, the Member for Tamworth, had said last night that he omitted altogether from his consideration the person appointed by the Crown to undertake this mission, but the people of England and the people of Canada would not omit that subject from their consideration. They would attach great importance to that choice, and they would rest assured that it was, so far as the noble Lord was concerned, a guarantee against the undue exercise of those absolute powers with which he was to be armed. That night the right hon. Baronet (Sir Robert Peel) had intimated an intention to move an amendment in the preamble of the Bill for the purpose of withdrawing the instructions to Lord Durham from that preamble; but while those instructions were given from the Colonial-office, with a power to act upon them or not, as the noble Earl might think fit, it mattered little whether they were contained in the preamble of the Bill or not; and the proposed alteration would be viewed by the House as a distinction without a difference. There might, however, be some danger from the plausibility of the proposed amendment that it would attract some votes from that (the Ministerial) side of the House; but when it was considered that the practical effect of Ministers being outvoted by the other side of the House would involve the danger of the Canadian Coercion Bill being carried into operation by a Tory administration, he felt persuaded that no persons, foreseeing these consequences, and being strongly attached to liberal principles, would be betrayed into a vote calculated to produce consequences so disastrous.

Mr. *Slaney* said, that it was his misfortune to differ in opinion on this subject from those with whom he usually voted, and he most earnestly desired, that before any final determination should be arrived at, the whole of the measure, as well as the state of the colony, should be inquired into. Looking at the mode in which the colony had been treated, and the line of conduct which they had pursued, he was far from thinking that there were not many circumstances which tended to excuse the conduct of the Canadians in the present revolt. From the year 1771 to 1831 the whole history of the colony tended to show that its inhabitants had strictly followed the example set to them by the mother country. He did not deny that many of the claims which were made were unreasonable, and could not be granted; but there were others which were just. Instead of granting these latter claims, however, the consideration of them had been delayed, and no answer was given, and he must say, that he thought that it was by these means that the people were thrown into a position, by their being open to be led by bad advisers, that had induced the present unhappy revolt. Instead of listening to the advice of Mr. Roebuck, who had been their supporter, they had submitted to be led by others, and their differences with England had been increased and aggravated. Considering these circumstances, he must confess that his opinion was, that the greatest allowance should be made for them. No one could view the present state of the colony without feelings of the deepest regret, seeing the atrocious outrages which had been committed, houses burned, and churches destroyed; and he hoped that such acts of violence might not be repeated, but that measures would be taken by which their recurrence would be prevented. He had risen chiefly to express his concurrence in the sentiments expressed by the hon. Member for Coventry, and he sincerely trusted that the suggestions which he had made would be attended to, because he considered them to be of the greatest importance, as regarded the present contest and the measure now in progress, and he sincerely hoped that the House would not divide on the mere question of form in the preamble, and which was of little importance, but that they would come to an unanimous vote. He thought that it might be necessary to invest Lord Durham with certain powers, but he thought there was one part of the preamble which should be continued in it. It embodied a principle to which the right hon. Baronet had pledged himself, and he really saw no reason for its being expunged. It was that part of the preamble which was as follows:—"And whereas it is expedient to make temporary provision for the government of Lower Canada, in order that Parliament may be enabled, after mature deliberation, to make permanent arrangements for the constitution and government of the said province, upon such a basis as may best secure the rights and liberties, and promote the interests, of all classes of her Majesty's subjects in the said province." He would venture to suggest that these lines should be left, because it would assure the Canadians that the Houses of Parliament still desired to govern them upon constitutional principles.

Mr. *Hutton* said, that the grievances of Canada had excited the strongest degree of sympathy in Ireland, because the Irish people were themselves suffering from grievances as serious. Speaking of the men who were immediately connected with, and who stood foremost in, the present struggle, he must say, that he was of opinion that Mr. Papineau was not a man of sufficient forbearance, or of sufficient firmness of determination or constitutional knowledge, to be able to extricate the people from the difficulties to which he had been instrumental in conducting them. He could not think that the time for the separation of the colony from this country had yet arrived, for the men in whom they had put their trust were men of inferior knowledge and acquirements; and he must say, that the Canadians, under such circumstances, could not hope to thrive with a separate government. There were no names like those of Washington and Jefferson among the leaders of the people; and the effect of men being so engaged whose characters were not determined, and whose power was limited, had already been sufficiently shown in the proceedings which had taken place, and the anarchy which had prevailed throughout the South American states. Taking these circumstances into his consideration, he could not think that the struggle at present going on could be viewed otherwise than with feelings of the greatest apprehension.

Mr. *C. Buller* was not going to trespass on the attention of the House at any length, nor to enter into a subject fully on which many other Members had already spoken. He hoped the House would do him the justice to believe that it was with extreme reluctance that he had given his assent to the Bill under consideration. In considering the present matter, he believed that it was not for the House to inquire into by-gone transactions, or by whose neglect it was, that those measures had been omitted to be taken which the necessities of the case required; but their business was, in a wise and honest manner, to take the best means now of relieving the colony from its present position. Feeling this, he had given his support to the measure. It was considered by some that all that was harsh towards the people was to be sanctioned in the Act before the House, but his firm belief was, that such was not the fact, but that its ultimate object was to establish a good government for the colony on the best and soundest basis. It was, therefore, that he hailed the passage in the preamble in the Bill, which was to be made the subject of the amendment with the sincerest satisfaction. The Government in the present case had taken a most wise course in laying on the table the instructions which were given to Lord Durham, and by that means had detailed the plan at length which they intended to adopt, in order that the governor—and he hoped he might speak of him as the future pacificator in Canada—might receive full instructions, and that a better course, if possible, might be taken. Considering these circumstances, he would ask why the noble Lord (Lord J. Russell) did such injustice to his plan, as to allow the question to be tried on the preamble of the Bill? Why did he allow the all-important question of whether the people should be governed by a representative system, or not, to be discussed in a manner in which he would not only have those opposed to his plan, but those also who were opposed to him in form, arrayed against him? If the right hon. Baronet objected to the convention to settle the constitution with that sort of hatred which he seemed to have to all free systems of government, why did he not bring it forward in a plain manner, by objecting to the instructions given to Lord Durham? At any rate, those Members who supported the measure, ought not to allow it to be tried on the preamble. He mentioned this, because he felt that the party on the other side of the House was, he knew, always happy to catch any votes it could under any circumstances, and by denouncing some hon. Members in the strongest terms, and calling them traitors, it was glad to secure votes which, otherwise, they would never have obtained. The question, however, should be decided calmly and deliberately, whether the system proposed was one which should be adopted or not? And he wished the right hon. Baronet had considered, whether it would not have been more just to the House and to the Government if he had not opposed the clause in the preamble, but if he allowed the discussion to take place on the instructions which had been laid on the table? He did not wish the noble Lord (Lord J. Russell) to answer the suggestion he had made unless it was perfectly convenient to him. He had thrown out these observations which had struck him, but, at the same time, he knew they could not be answered without deliberation, but he hoped that the noble Lord would not think it necessary to adhere to the course which he had proposed to adopt. The necessity of the words in the Bill would be obviated by the subsequent acts of the Government, and would wholly have the effect of destroying the efficacy of the best part of the plan of Government.

Lord *John Russell:* Perhaps the House will allow me to say a few words. The hon. Member, who has just spoken, is quite correct in supposing that after the powerful appeal of the hon. Member for Coventry I do not think myself justified, without deliberation and without consultation, to declare the exact course which I shall pursue. I certainly did not state that I should consider it absolutely essential that the words should remain in the preamble of the Bill; but I did say, that as they had been placed there it would not be satisfactory that they should be removed from it without the opinion of the House being pronounced in some intelligible manner in respect of that important part of the policy of Government. In regard to the particular course I mean to pursue with respect to the preamble of the Act, I beg to say, that at the meeting of this House to-morrow, after consulting my Colleagues, I will state exactly my views upon the subject.

Mr. *Villiers* said, that as he concluded from what the noble Lord had said, that there would be no division to-night, and that as the hon. Gentleman who had preceded him, had recommended to the House to discuss the question upon its merits, he would ask the indulgence of the House for a few moments to make a few observations upon the question; and he felt that this was more particularly necessary from the fact, that he did not share in the opinions of either of the two great parties in the State; and he was sorry to observe, that if any Member ventured upon this course, he had little chance of being tolerated in that House. He assured the House, however, that he did not rise to vituperate any party, neither her Majesty's Ministers nor their predecessors; that he had no charge of high crimes and misdemeanours to bring against them; that his simple charge against them was, that they regulated the policy of this country towards the colonies as it appeared a very large proportion of the country desired to regulate its policy. What he meant was, that there were distinct principles on which a colonial connexion might be maintained with the mother country, and that the majority of persons who had influence and authority in this country maintained, that one which the Government of this country had acted upon, and which was, that the government of a people in a distant country was a source of power and wealth to this country, and that it was advisable to make great sacrifices and incur great expense in order to maintain what was then termed the integrity of the empire.

He did not assert that this principle was fallacious, but it was his most thorough conviction that it was so; at the same time, he would not shrink from the truth in admitting that he was in a very small minority, and that the principle which considered sound that colonies were chiefly useful as filling countries with people who, having the same language, the same wants and tastes as the inhabitants of the mother country, afforded a ready asylum for its emigrants, and a good market for its products; and that in proportion as such a colony was free and contented, so would it be prosperous, and so would it better fulfil the purposes for which it was worth maintaining the connexion. This doctrine was only maintained by what the hon. Member for Lincoln spoke of with so much contempt as a knot or clique of persons who assumed the right to judge for themselves; but it did not follow that it was wrong on that account. The other principle, that which was maintained as sound by a great majority of people out of the House, and especially by the supporters of the Government in this House, he could not blame the policy of the Government; they had only acted in accordance with the wishes of the constituencies of those Members, and he only hoped that if that policy either led to war or to great expense, or to any other calamity, that those who were the eager and earnest supporters of the policy would not turn round upon the Government, and, indeed, upon the constitution itself, and allege as a ground of distrust and complaint of both, that great debts had been incurred, and that burthens of all kinds were inflicted upon the country. The two principles of Government he regarded as distinct; and those who advocated the one or the other were responsible for the consequences of each. If the colonies were, as people contended, the jewels of the Crown, and worth fighting for to acquire, and worth fighting for to maintain, let the proper sacrifices be made for the purpose; but do not let people complain afterwards. He thought that the Government had, in accordance with all that had been said in that House by their supporters and by their opponents, acted upon the principle of resisting the emancipation of the colonies, and he was at a loss to understand what was the meaning of that outcry which some persons made against the Colonial-office, and against the noble Lord at the head of it, for having acted in conformity with their own principles; for when the Government refused to the colony the right to govern itself, what was it but carrying out the policy which they maintained themselves, that the separation of the colony ought by all means to be prevented, and that anything which tended to that separation was of necessity equally to be deprecated. Now, of course, whatever gave power to the colonists enabled them, if they were so inclined, the more readily to separate from the mother country, and, therefore, when the colony now in question demanded an extension of political power, it was only in accordance with the wishes of the present supporters of the Government that she should be refused; and therefore if they were involved in war in consequence of such refusal, let it be remembered that they could not complain. Let every one, according to his own judgment, advocate the principle which he thought was the best, but do not let people pretend to uphold either without being prepared for the consequences which belonged to each. He knew there was a sort of bastard policy, which was now advocated by some Gentlemen in the House and which, perhaps, had been acted upon in some degree by this country, which was, that colonies must eventually separate themselves from the mother country but that they were not fit for it yet. Now this he was unable to understand. It seemed to spring partly out of our experience of the absurdity of governing colonies against their will, and partly out of our old wish to govern them upon that principle. If colonies were advantageous as colonies, why the mother country ought to fight as well to retain them as to acquire them; but if they were a source of loss rather than gain, and that we must eventually lose them, why should this country continue to suffer this loss until the moment when they might just be a source of profit, and then let them be taken by another country, or become independent. That was inconsistent, and he thought the country ought to determine in a bold and intelligent way at once in what manner it would retain its colonial connexion with any people—whether as a portion of the empire which was bound to be subject under all circumstances to the dominion of the Government at home, or allow them to govern themselves, and retain only a commercial connexion on the principles of amity and mutual advantages. This was really the question which they had to decide now, though he was aware that it had been narrowed into a sort of question between the Colonial-office and the House of Assembly; he could, however, see nothing in it but a struggle between the mother country and the colony with respect to these two principles, the colonists claiming the right of the fulfilment of promises made by this country of self-government, and the Government at home resisting that claim on the ground that what the colony claimed might lead eventually to separation; that seemed to him the real history of the question—the Colonial-office feared eventual separation, and the colony was impatient of a control which was opposed to their wishes, their wants, and their feelings. The question, however, turning much upon this dispute and the respective allegations made by each party, he had listened attentively to the statements on each side, had examined carefully all the documents bearing on the subject and he did not hesitate to say, that with no prepossession either way, that he had been utterly unable to discover in what way the House of Assembly had been in fault. He saw nothing but one consistent course in all that it had done—he saw in their demands nothing but what a free, intelligent, and spirited people would require, that they had only sought what the people of this country had obtained for itself, and what every free people had sought and demanded as essential to their security; and he respected them for the consistency and for the firmness in which they persevered in what they sought, and he considered that it was the mother country that was unreasonable and inconsistent, for she had just conceded enough to justify further demands, and in refusing what was asked, was denying the remedy for the wrong that she admitted. He had looked at the report of 1828 that had been so much talked of, and he there found that the colonists had ranged their complaints apparently under two heads, namely, those practical wrongs which they endured under the system in which the Government had been administered in the colony, and the cause to which they ascribed that mal-administration. Their particular grievances were specified, but they were evidently attributable chiefly to the Legislative Council. Now he did not deny, that many of the practical grievances had been remedied, but the cause of all the evil in such an authority as the Legislative Council was left—it was still unreformed, and it was the declaration made last year by this House that they should not have any redress that induced the people to resort to extreme measures. He could see nothing unreasonable, then, in the conduct of the House of Assembly, they had claimed only what had been admitted to be just by this country; a Committee of this House had declared that the subject which had engaged their attention the most was the Legislative Council; they declared that it neither had, nor deserved to have, the esteem or the confidence of the colony; and subsequent governments and authorities of all kinds had declared that the means did not exist in the colony for an arbitrary selection of persons, who by their station and property could inspire confidence as Members of the Legislative Council. The House of Assembly, then, declared that the only means of making the Legislative Council harmonise with the interests of the colony was by making it responsible, a principle which they knew that this country was recommending in all its municipalities, and they only sought that popular vigilant control which the Government of this country recommended in every community where the people were allowed to have the management of their own affairs. The colony considered that this principle had been conceded to them; for there was, in the first place, the constitution of 1791, which introduced the representative system, and they subsequently had all the revenues of the colony placed at their disposal. What, then, could be more inconsistent than this country, after such a concession, insisting upon the maintenance of an authority utterly at variance with powers and privileges thus conferred; and what was the reason alleged by the Commissioner for not recommending that the Canadians should have an elective Council? Why, that in the present state of parties, and with the difference of race and religion, they could not have an elective Council without giving a triumph to one party. Why, what was that, but the argument against giving Ireland good municipal government? Was it not said, that they would give a triumph to the Catholic party over the Protestant? And what was the answer so justly offered? Why, that it was by recognising these distinctions by law that they were perpetuated; and that it was by making the law equal, and not in recognising such difference, that it was found, that they merged in the common interest, and that one race and one religion, instantly trusted and lived in communion with the other. And, again, if that triumph resulted from the majority of the population having power, it was surely more just than that the minority should triumph over the majority. Why, was this doctrine not equally applicable to the Canadians? He, indeed, could not see what was left for the House of Assembly—then in direct conflict with the Legislative Council—declared by the mother country to be unworthy of the confidence or esteem of the colony—but to resort to constitutional means to compel the reform of that Council; and was there no excuse for a people when they confined themselves up to the last moment within the limits of their charter in resorting to violence, when that charter was violated by the mother country, which was done, by the threat to take their money without their consent, and thus nullifying the only security they had, for the redress of grievances? He was not going to deny the criminality of persons who appeared in open rebellion to the law; but he was not prepared to vindicate the law without reference to the circumstances under which the offence was committed. He had heard the excuse which was offered for these poor people in thus fighting for their charter, by the noble Lord, the Member for North Lancashire, and he was pleased to hear it. The noble Lord said truly, that these people naturally looked to the language and conduct of the people in the mother country, and that when they read and heard of the speeches delivered and sentiments uttered, by the Liberal party of this country, they had good reason to expect sympathy from them, and no doubt such language must have considerable influence upon them; but the noble Lord should have carried it farther; he should have referred to the conduct not only of the Liberal party, but of that party which professes to be conservative of all the institutions of the country. He should have imagined a rebellious Canadian contemplating an Orange lodge, as those lodges were disclosed to that House; he should have seen what the best blood of this country was capable of when they were resisted in their purpose; he should have seen how far they regarded the law or the constitution; he might have seen of what also that party was capable, to gain popularity in sanctioning revolt in the foreign relations of this country. Who was it that recognised the French revolution? Was it not the great Conservative leader? Did he not, as soon as the workmen of Paris defeated the Royal Guard, and placed what they called a citizen King on the Throne, did not that noble Duke direct his Minister at Paris, as the representative of England, to wait upon the citizen King, in defiance of all treaties and all alliances? And why? Because it was said, the French Minister had, by his resolutions, violated the first principles of the charter, and that the people had a right to resist, and that the revolution was just. Why, then, should these poor Canadians not think that what was just with regard to the people at Paris might be considered just also on their part? He hoped these things would in justice be considered, and that hon. Members who talked in such a lofty tone of indignation at the very idea of rebellion, would remember the influence of such examples and of their own language upon the conduct of the Canadians, and how much more likely they were to be influenced by such circumstances than any language used by the hon. Member for Kilkenny or the hon. Member for Westminster; and when he urged these things, it was with the hope of bringing Members to a proper frame of mind for considering this subject, and that they should not be brought to legislate as if they had rather a great offence to punish than to provide for the future well-being of a people who cared for and were worthy of liberty. He made these remarks in consequence of observations made in the course of debate, and in consequence of the tone and spirit which pervaded the speeches of hon. Gentlemen opposed to the Canadians. But the great object which the people of this country ought now to determine was, on what principle they would govern the colony—whether it should be by force, or whether with the will and concurrence of the people. Everything now turned upon this. If they thought it was wise to subject the people to the dominion of the mother country, and make them submit to a Government against their consent, let them prepare for the consequences—let them send a force adequate to that purpose; but if they intended to allow these people to govern themselves, do not cavil with them about the means. It was impossible to do both; so it became the House to decide at once, for if they persevered in retaining a power in the colony that opposed the wishes of the great majority of the people, they could expect nothing but discontent and hostility. He must contend, that against their fitness to govern themselves not one thing had been proved; nor had it been shown that the majority of the people, judged of by the acts of the Assembly, had in any way shown hatred or malice, or any intention of injuring the British part of the population; they had treated the emigrants from this country with care and kindness, and they had passed no laws or regulations adverse to the security either of life or property of that class of the colonists. They had, in his opinion, neither acted ignorantly, capriciously, or mischievously in the exercise of that authority; he, therefore, thought them in every way fitted for self-government; and as he believed that the more they were left to manage their own affairs, the more prosperous they would be, the more he felt disposed to grant them that power and control over their affairs to prevent which this country was now engaging in civil war with them, and which, if granted, he believed they would be satisfied with, without desiring independence or separation.

Mr. *Gillon* said, he saw so much evil to forbode from this measure, so gloomy a perspective of increasing dissatisfaction in the breasts of the colonists, of slumbering hatred, which would at a future time again manifest itself in open revolt, and, above all, so gross a violation of the character for justice which this country ought to maintain, that he felt bound to express his strong opinion against the principle of the Bill. As had been eloquently stated by a noble and learned Lord in another place, the sacrifice of this, or of all our colonies, was a slight consideration when compared with the national character for justice, those great principles of eternal justice which had been so often alluded to, but which, he feared, we were now about to depart from by our acts. It was monstrous to concede to our colonies a privilege one year, and deprive them of it the moment they sought to exercise it. The conduct of a few ill-advised individuals in no way altered the question. It had been charged against him and other hon. Gentlemen, that they sought to palliate the crime of revolt; but he must say, that if ever, in the history of the world, an extenuation could be offered for such an offence, it was in the case of the Canadians. They had been treated as slaves—had been wounded and insulted in the tenderest point, in the persons of their freely-chosen representatives. A threat had been made to rob their exchequer, an intention which, by the way, having had the rashness to announce, the Government did not seem to have had the firmness to execute. If tyranny and coercion were to be the order of the day, it was necessary to make that tyranny effectual. If the liberties of a whole people were to be trodden under foot, it would have been kind to have provided that the discontent of the Canadians should be confined to those curses, not loud but deep, which an insult such as this must engender, but that resistance should have been rendered hopeless. Notwithstanding what fell from the hon. Baronet, the Under Secretary for the Colonies, he (Mr. Gillon) took the liberty to assert that no two events in the history of nations ever so much resembled each other as the conduct pursued towards Canada and the commencement of the unfortunate struggle with the North American states. The proximate cause of resistance was the same—in the one case the levying of taxes, in the other the appropriating of revenues without the consent of the colonies; open, undisguised robbery in both; the same contempt in both instances for the rights of the colonists, the same arrogance in the assertion of the supremacy of the mother country, the same misconception of the feelings of the people, the same ignorance of the deep discontent which tyranny never fails to engender. A flippant allusion had been made the other night by the hon. Baronet, the Under Secretary for the Colonies, to what had fallen from his hon. Friend, the Member for Kilkenny, who instituted a comparison between the events of the present day and the commencement of the North American struggle. That hon. Baronet had said, that the events resembled each other no more than the speeches of the hon. Member for Kilkenny did those of Lord Chatham, to which allusion had been made. He must express his astonishment that the hon. Baronet should have permitted himself to employ so poor a substitute for proof and argument, or that the character of his hon. Friend, which for efficiency in the promotion of reform, in the enforcement of economy, and the advancement of public liberty, stood second to none in the estimation of the country, and most deservedly so, should not have protected him from so paltry an attack. His hon. Friend could afford to despise it. He would venture to prophesy that this mode of coercing the Canadians must in the very nature of things signally fail; that England might for the present put them down by brute force he was ready to admit; but that they would ever be attached to this country by a plan the first step of which was to violate their constitution and trample on even the semblance of liberty, he utterly disbelieved. He said more: they could not be possessed of the just feelings of freemen if they did not after such proceedings cherish a lasting detestation of British rule, and a deep-seated aversion to British tyranny. The Colonial-office, by its line of policy, and not his hon. Friends, by their declarations, had been the promoters of insurrection and rebellion. Willing to hurt and yet afraid to strike—defiance in their mouths, inefficiency in their acts, could the ingenuity of man suggest a course more likely to produce the calamitous events that had occurred? He should like to know if the Ministers were about to propose an addition to our already nearly overgrown standing army, in order to coerce Canada; he for one should strenuously oppose any such addition. And it was right that the people of this country should know how much they would have to pay for the pleasure of coercing Canada. He should feel it his duty to resist the granting of supplies, for any augmentation of our military force, because he was certain we had already too many soldiers; unless it was intended to follow a course hostile to the feelings of the people of this country; nay, he should, this session, consider himself bound to ask a reduction of taxation, for he was convinced that the system of misrule, of extravagant expenditure, of jobbing, and favouritism, would go on as long — and only as long—as the people were foolish enough to supply the means of continuing it. When a reduction was asked in the enormous expense of a standing army, kept up through upwards of twenty years of profound peace, the excuse always urged for maintaining that expenditure was, the Colonies, especially Canada; the naval and military establishment of which costs this country half a million annually, besides the large indirect loss sustained by relinquishing an advantageous, to engage in a disadvantageous, traffic. An hon. Member on the opposite side of the House (he believed the hon. Member for Droitwich) had stated, that he did not think the French Canadians had now any strong ground of complaint. Not any strong ground of complaint! What did the House think of the infraction of a constitution in the violation of its first principles? The term "French Canadians," he would observe, had been used in this country, in order to prejudice the public mind; but he would remind the House that these French Canadians had more than once distinguished themselves by the most determined loyalty, and the most courageous zeal in defence of British connection and British institutions. He must express his regret at the disastrous events of the late contest in Canada; he deprecated the spirit of fierce retaliation which had been manifested on the part of the Loyalists; the burning of villages, the desolation of the country, would tend to excite in the minds of the French Canadians, an unconquerable hostility to the British, which would be handed down from generation to generation. The hon. and literary, but not philosophical, Member for Lincoln had thought proper to read a lesson to the Radicals the other night on their line of conduct, and had deemed it expedient so far to leave the subject in debate as to allude to the division that had taken place on the first day of the session, and which related to almost anything else except the matter they were now met exclusively to discuss. That hon. Member had on that occasion read a recantation of all those opinions which previously he so eloquently maintained, and he must congratulate the advocates of arbitrary power on the powerful ally they had recently obtained. The hon. Gentleman had denounced, too, the speech of Mr. Roebuck at the bar as a lame and impotent conclusion after so great a flourish of trumpets, as he was pleased to say, had preceded it. If the hon. Gentleman had, instead of denouncing Mr. Roebuck's speech as lame and impotent, proceeded to answer it, it would have been more to the purpose; but this he had wisely abstained from; in fact, that able and eloquent speech had not been answered by any one. The Under-Secretary for the Colonies had found it convenient to overlook the arguments contained in it, and to allude only to the charges made by Mr. Roebuck against the military under the command of Colonel Wetherall, charges which the hon. Under-Secretary said he believed he could not prove to be unfounded. He had not yet heard from any hon. Member of what the House of Assembly had been guilty that they should be deprived of their privileges. They had kept guardedly and strictly within the letter of the constitution granted to them by this country; and if that constitution was to be altered every time it suited our caprices, what confidence could the colonists have in British faith or British honour? Were the management of these delicate interests to be confided to the same hands in which they had hitherto been so signally mismanaged, he confessed he should have the most gloomy forebodings as to the result. In the appointment of the distinguished nobleman who was about to proceed as Governor to Canada he derived a gleam of hope; it was but a faint one, for the task they were about to impose on that noble individual he feared was a superhuman one, namely, to bring men to relations of cordiality and friendship through the road of insult and oppression. They were about to ask the opinion of the Canadian people, through delegates to be chosen, as to the form of Government which might suit them best. What decision had they to expect but that which the result of repeated elections sufficiently shadowed forth? If Lord Durham were allowed to grant, if he should deem it indispensable, an elective Legislative Council to the Canadians, there would be no need of suspending their present constitution—the Canadians would recognise in that power, confided in hands so able the full desire of rendering them justice; but if they limited that power according to the tenor of the resolutions of last year, that under no circumstances it should be expedient to make the council thus elective, and if at the same time they showed the despotic *animus* by trampling on all the outward and visible signs of freedom, they might for a time coerce, but they never could conciliate; and the history of the present times would be doomed to read another signal lesson of the impossibility of ruling by any political trickery or device in defiance of the wishes of a people.

Mr. *Reddington* said, it was with considerable reluctance he felt it his duty to give a vote upon this occasion in favour of a measure which he could not but admit trenched deeply on the constitutional liberty of a free people. As an Irish Member, he begged to deny the justice of the parallel which had been so frequently drawn during the debates on this question, between Ireland and Canada. For a long period Ireland had been afflicted with grievances of an extraordinary magnitude. But the people of Ireland had taken peaceable and constitutional means for the redress of those grievances; and he should blush for his countrymen had they broken out into such disloyal proceedings as the Canadians had unfortunately been induced to follow. With reference to the argument of the hon. Member for Bridport, that all our colonies should be emancipated, although of a very extreme nature, it was at all events candid and straightforward, and deserved fair consideration. Undoubtedly in the vicissitudes of human affairs, it was but natural that colonies should rise in power and vigour, as the mother country decayed, and, in the maturity of their strength, might be disposed to throw off the yoke, as they no longer needed the protection of the country whose supremacy, in earlier times, they did not dispute. But when a comparison was raised between the American war of independence and the present contest in Canada, let it be borne in mind that while the Americans struggled against the tyranny of the mother country, and had just and strong ground of complaint, the Canadians had rebelled against its authority without such powerful justification. In conclusion he must state, that he gave his support to the Ministerial measure, in the earnest hope that it would be effectually the means of putting an end to those unhappy disputes in Canada, and prevent the further effusion of human blood.

Colonel *Evans* said, that, representing, as he did, a large constituency, he wished to say a very few words on the question before the House, before they went into committee on the Bill. It was well known that Mr. Roebuck had acted not only as the agent of the Canadians, but that that learned gentleman had also taken the trouble to agitate the electors whom he represented on the subject. This agitation had been going on for some time, but, although the learned gentleman might have succeeded in getting a small portion of the electors to concur with him in his views, it was his duty to state to that House, that the great mass of the constituency of Westminster were strongly opposed to the line of conduct which the learned Gentleman had pursued. He thought it right to make this statement, lest the Canadian people should suppose that the sentiments expressed at the meetings which had taken place, were those of the electors of Westminster generally, and to prevent them being influenced by an impression so erroneous. He, with the right hon. Gentleman, the Member for Coventry, was led to believe that nine-tenths of the parties who had engaged in the revolt were influenced by the encouragement which their ambitious and violent leaders had received from hon. Members of that House. He did not mean to impute to those hon. Members improper intentions; on the contrary, they were all men for whom he had a high respect, and with whom he had been in the habit of acting. They could not have contemplated the present result, and his regret was, that, notwithstanding that result, they should have adopted a train of argument which, instead of allaying, was calculated only to continue, the misfortunes of a country for which they professed to feel such deep interest. He, for one, would venture to express his hope, that that House would give their unanimous sanction to the present measure—that it should pass with one voice — in order that the misled Canadians might be convinced that they had no right to expect popular support from this country in their ill-judged attempt to throw off the constitution which had been imparted to them. He could assure them that any such attempt would be hopeless. Several observations had been made in the course of this debate which were calculated to encourage the Canadian people in the prosecution of their disloyal designs. It had been said, that the people of the United States participated in the feelings of the rebels in Canada, but he must declare, that this was perfectly erroneous. The accounts which had been received from Canada were opposed to all anticipations of that sort. The government of the United States, as they all knew, was democratic in its principles, and if that government pursued a course which evinced nothing like sympathy for the rebels in Canada, had they not a right to conclude, that the popular opinion in the United States was the reverse of what had been stated? Although North America was under the rule of a democratic government, although the government of that country was subject to popular influence, still they had not seen the slightest symptom on the part of that Government of anything like Quixotic democracy in favour of the Canadian rebels. It was, no doubt, perfectly true, that the Americans were anxious to possess knowledge in military matters; but it was equally certain that they had always shown a disposition studiously to abstain from interfering in the contests of other countries. They were a calculating people, and, therefore, not likely to engage in any contest where they could not hope for profit as well as success. Without money he could tell them war could not be carried on, and he should like to know where Mr. Papineau, or any other of the rebel leaders, could find money? He would venture to say, that no means to pay soldiers were at the disposal of the leaders of the Canadian rebels, and that without a well supplied military chest, they would find a great paucity of soldiers. This was a point on which he could speak practically. But the policy of the government of the United States might be regarded as a key or index in the matter. That government had acted with praiseworthy forbearance, and as no improper or indefensible conduct could be attributed to the United States, it was evident the proceedings of the rebels were without justification in the estimation of the American people. He would not have trespassed on the attention of the House if he had not felt that a portion of the inhabitants of that part of the metropolis with which he was more immediately connected, had been misled on this subject; but, after the able discussion which had taken place in that House, he had no doubt that their eyes would be opened to the truth, and that they would speedily withdraw the encouragement which they had given — an encouragement which was calculated to influence the Canadians to persevere in their rebellious conduct. The hon. Member for

Wolverhampton had found fault with the hon. Member for Lincoln for having talked of "philosophical Radicals." He could see nothing offensive in the designation, and he believed, that many of the Radicals imagined themselves to be philosophers. Indeed, they had given proofs in the course of this debate, that they did, for many of them had pursued a line of argument in which the vulgar and uninitiated were totally unable to follow them. It had been said, that the speech of Mr. Roebuck had been but feebly answered. He thought that the learned gentleman had answered his own speech in some parts, while, in others, it had been completely refuted by other hon. Gentlemen; and, as to the remainder, that was totally unworthy of observation. The commencement of it was alarming undoubtedly: but, after the learned gentleman had charged the Government with high crimes and misdemeanors, his speech became inconclusive. vain, and impotent. The learned Gentleman began by avowing that he had nothing to do with revolts—that he had always discountenanced revolts. He said he had not forwarded the revolts of either the Poles, the Belgians, or the Spaniards; but it might be very well to declare that he had nothing to do with the revolt in Canada, because that was the subject with which this Bill had to do. He thought there were ample grounds for this Bill, and that some such measure would be reasonable, even if no revolt had taken place. It might be very convenient on the part of Mr. Roebuck to deny all connexion with the revolt in Canada, but, as far as regarded the revolution in Spain, it was well known that he gave his support to the government. It might be important to a man charged with an offence in a court of law to say, that he had nothing to do with the crime imputed to him, but, although this was frequently the case, it very often happened that the judges and jury were of contrary opinion and gave a different award. In one or two parts of his speech the learned Gentleman applauded the conduct of the House of Assembly as "wise and prudent," and said that they had "won all their demands from successive "Governments." If this were so, why had they not continued the same course, and, instead of resorting to a revolt, endeavoured to win what further they required by legal and constitutional means? But what said the hon. Member for Leeds? He said that, although money was the only object of the Government, they had granted all the financial demands of the Canadians; but not until 1836. Why, they were now in 1838. The revolt took place in 1837; and if all the demands of the Canadians were granted in 1836, surely this was a fact which was decisive against not only the revolt, but those who supported it. It was, proved by a variety of circumstances that what the advocates of the Canadian people demanded was, a suppression of a part of the Government. One party wished the Legislative Council altered, and the other were desirous of having an alteration made in the House of Assembly. These matters showed how impossible it was for the Government to be carried on, and that fact constituted a strong argument in favour of some such measure as this. It was perfectly clear that for some years no statute authority existed in Canada, and for the last four or five years it might almost be said, that there had been no government in that colony. So far from exhibiting wisdom or prudence, the House of Assembly had evinced the very opposite character; for, not content with demanding redress, they had actually resorted to something like a declaration of war against all peace and order. This it was, that justified the present measure; and, in conclusion, he begged again to assure the House, that the opinion of the electors of Westminster was opposed to the conduct of the rebels.

Mr. *Wakley* had heard with some surprise the soft and bland tones of the great warrior who had just spoken, and as he was his representative in that House, he would make one or two remarks in reference to what had fallen from that gallant General. He, in the first place, felt himself bound to state, that he represented a larger proportion of this metropolis than the gallant General, and the conduct of the Radical party in this assembly had given, so far as he had been able to learn, no dissatisfaction to his constituents. He spoke only from the information which he himself had acquired from his intimate connexion with his constituents. It could not be supposed that he would stand there in opposition to their will, when it was recollected that his position in that House was a very peculiar one, inasmuch as he considered himself pledged to resign his seat if ever he should be called on by a majority of his constituents to do so. What, however, was the fact? He had not been reprimanded, he had not been scolded, he had not been teased by any portion of those whom he represented for his conduct relating to Canada. But he repudiated the assertion, he altogether denied, that those hon. Gentlemen who were called the Radical party, had in any respect advised or desired that the Canadians should proceed to extremities—that they should commit themselves to an open revolt in that country. The party to which he belonged knew but one circumstance that could justify revolt, and that was the certainty of success. [*Laughter.*] He was very glad that the Tories on the opposite side of the House laughed at that statement—he was glad to hear them laugh, but he feared they were chuckling over the blood which had been shed in Canada. [*Oh, oh!*] If by their cries of "oh!" they meant to manifest their dislike of their proceedings in Canada—if by that exclamation they intended to express their abhorrence of the crimes that had been perpetrated in that country, why did they sanction the course of the Government that had led to that bloodshed? He charged the Government with that offence. The conduct of the Government was the sole cause of the revolt in Canada; no one circumstance admitted more completely of demonstration than did that. If those who heard him were blind to the fact, the people of England knew that it was by the provoking system of unjust legislation which had been followed, that they had allowed men to obtain the dominion over the minds of the Canadians that had produced the present unfortunate result. He would say that if the people were labouring under grievances which those who claimed the right of representing them were not disposed to redress, if they could command redress, if they had the means of insuring it, they would be justified in proceeding to extreme measures. It was, in his opinion, most unjust to assert that the people were to go on yielding a passive submission to their wrongs, instead of exercising the power they possessed to rid themselves of the evil. What induced the House to pass the Reform Bill? Not a moral force? No; it was the fear of the muscle and bone of the people. If the people had come forward and declared that they were very anxious for reform, but would never proceed to extremities to obtain it, he should like to know what reform they would ever have obtained from this House? It was well understood what would give the Canadian people satisfaction; and would they yield it? No. They talked night after night about great principles, and a number of very "philosophical" speeches were made; but they were thrown away on that assembly. They were much in the situation of the old lady who, after reading nine or ten columns of a reported debate, said, she was not surprised that she could not understand what she was reading about, when she at last discovered that they had been debating for nine or ten hours whether the word "now" should stand part of a question. The people understood this question full well; they knew that the House would not manifest a disposition to act on popular principles till they were compelled to do so by the voice of the public. The hon. and gallant Gentleman who had made so soft a speech this evening was impressed with that belief formerly. He remembered having heard at the Crown and Anchor an oratorical display of his during the contest for reform, on which occasion he declared that "he had just left where there were 100,000 men ready to march towards the metropolis," "and," said he, "if need be, I am prepared to draw my sword in maintaining the rights and liberties of the country." It was such manifestations of spirit which had induced many to give their support to the gallant General. That hon. and gallant General had told them, that it was very difficult to carry on war without money; now his opinion was, that the gallant General knew it was much better to discontinue a war when he found he was without money. He denied that the people were indifferent upon the subject of Canada. He denied, too, what had been stated with respect to the Radical party having stimulated the Canadians to resistance. He hoped that the two quotations he was about to give would be communicated to the country. What he asked was, if the noble Lord, the Member for North Lancashire, had formerly written upon the subject of Canadian grievances in 1829? He was very sorry that the noble Lord was not then in his place, as he should like to remind the noble Lord of the expressions he had used, as Mr. Stanley, in reference to a Canadian petition to that House;—"On the subject of the Legislative Council, I do not hesitate to say, without any disrespect to, or reflection upon, the individuals who compose it, is at the root of all the evils complained of in both provinces." That was an opinion expressed by the noble Lord. It was followed by another: "In point of fact, the remedy is not one of enactment, but of practice; and a constitutional mode is open to the people of addressing for a removal of the advisers of the Crown, and refusing supplies, if necessary, to enforce their wishes. I do, however, think that something might be done, with great advantage, to give a more really responsible character to the Executive Council, which at present is a perfectly anomalous body, hardly recognised by the constitution, and effective chiefly as a source of patronage." Now he (Mr. Wakley) wished to ask if Mr. Roebuck had ever used, even in that House, language so exciting as that, or if he had ever given a recommendation so likely to produce revolt as that, if, indeed, the legitimate exercise of a constitutional power can at any time lead to revolt. That was the language of the noble Lord in 1829, and yet the charge now against the Radicals was, that they had caused revolt. There was not the slightest proof of the accuracy of the charges. Now, looking to the causes of the calamity, what, he asked, were the remedies proposed? The wiser course would have been, in the outset, to have applied a remedy to acknowledged grievances. But what had they heard from the right hon. Baronet (Sir R. Peel) in opposing the Bill? He really did hope, from the seductive tone which that right hon. Baronet had assumed, that he intended to make a small bidding for Radical support in that House. That right hon. Baronet had, however, been quite candid, for he declared that he did not wish to see Canada governed on constitutional principles. The right hon. Baronet commenced with the correction at the eleventh line, where constitutional principles were first referred to, and it was evident that he desired to send Lord Durham as a despot to Canada, who was not to be embarrassed or annoyed by any of the trappings or frivolities of a representative system of Government. The part of the Bill objected to by the right hon. Baronet was the only question which the Radical party could look upon with favour. It pledged the Government to continue the constitution in Canada. Now, he had heard with extreme regret the noble Lord, the Secretary for the Home Department, shrink from the declaration which he made at the commencement of these proceedings. He understood the noble Lord to declare, first, to adhere to that part of the Bill, not to relax in his support of it; and afterwards, on second thoughts, to defer until to-morrow his determination as to the exact course he might pursue. This was a system of weakness and of vacillation which tended only to show that the measures of the Executive Government were brought forward without due consideration, and without weighing all the circumstances connected with it. He hoped the noble Lord would adhere to his first declaration—to the form of the Bill as it now stood, and not be alarmed by the appearance of a majority on the other side; and even if the noble Lord should find himself in a minority, he might calculate on the support of the people of England, Ireland, and Scotland. A disposition not to adhere to the popular portions of the Bill would be construed into a disposition not to maintain the representative system in Canada, and that if despotism could be found to work there, it would be persisted in. Such a course could only cover the Ministry with obloquy, and he believed that the secession of the present Ministry from office must be its speedy result.

Mr. *Borthwick* did not intend at that late hour to go into a discussion of the merits of the Bill. The question before them was whether they should commit the Bill *pro forma* or not, and on that question an important discussion had arisen. The hon. Gentleman who had appeared at the bar of the House had completely failed in proving any grievances out of which the present disturbances had justly arisen. If any hon. Member had come to the House in doubt as to the course he should pursue, the speech delivered at the bar of the House would have removed all doubt from his mind. He tendered his thanks to the right hon. Baronet, the Member for Tamworth, that on the present occasion he had pursued the manly course that always distinguished him, and had thrown expediency overboard, and that he had taken a course solely based on principle. The hon. Gentleman who had spoken last had insinuated that those at that side of the House pursued their present course from a desire of popularity rather than from principle, but, if it was the desire of the right hon. Baronet to pursue party interests, instead of what was best for the country, it would have been easy for him to have taken a different course. He might have moved a resolution expressive of want of confidence in her Majesty's Government as to their conduct respecting Canada, and would thus have commanded the support of the Radical party in the House. But that was not a course which the right hon. Baronet could pursue, for it would be a course without dignity. The Bill before the House was not a Bill for the permanent government of Canada. It was introduced to allow the House time to legislate permanently for Canada. The opposition given to it deserved the character given by Mr. Burke to a similar course pursued with respect to a Bill for the conciliation of America. Mr. Burke had said, with respect to the opposition given to that Bill, it was like the conduct of froward children, who, when they did not get all they liked, would take nothing at all. On a former occasion he (Mr. Borthwick) had referred to the sympathy in this country with those principles out of which the present revolt had taken its rise. It was rather extraordinary that the noble Lord who was to be intrusted with the execution of this Bill, appeared to be one of those to whom the Canadians had been taught to look up to with extreme confidence, as entertaining Radical opinions. He, about a year and a half ago, had read in a Canadian newspaper, called the *Vindicator*, a prophecy as to the probable death of our late beloved and lamented Sovereign William 4th, and the accession of our present most gracious Queen. In that prophecy it was stated that, on the accession of her Majesty to the throne, her councils would be filled by Mr. O'Connell, Mr. Hume, Mr. Roebuck, and Lord Durham. This paper was an organ of the popular party in Canada, and spoke their opinions. He believed that this opinion thus expressed did injustice to the noble Lord, as most assuredly it did to the royal Person now on the throne of those realms. He would not detain the House. His purpose was to appeal to the right hon. Baronet, who that night had earned for himself so goodly a laurel, whether he would permit her Majesty's Ministers to escape from the condition in which they were placed? Without his aid they would not be able to carry on the Government. By the course the right hon. Baronet had taken, they were reduced to the necessity of keeping their places at his dictation, and governing the country as his instrument, and under his direction. The country would now see in whom confidence was to be placed. He intended on a future occasion to call the attention of the House to the connexion between the present disturbances and the revolutionary spirit that was encouraged in this country. He recollected on a former occasion, persons in station and authority encouraged the charges that were made against the Orange Society by the hon. Member for Kilkenny, and even went so far as to impute to that body a treasonable design to set aside the succession to the throne. How well had those charges been repelled. Who were in Canada rushing forward to support the authority of the Crown, but those who were called Orangemen, and who gave their ready aid to defend the rights and authority of her Majesty against those persons who were foremost in propagating those charges against the loyalty of the Orangemen. This was a proud triumph to those bodies who had been thus subjected to charges so calumnious and unfounded. He thanked the House for the attention with which he had been listened to.

Mr. *D. Callaghan* said, that the constituency which he represented felt much sympathy for the sufferings of the Canadian people. On the occasion when the resolutions of the noble Lord were before the House, he did not vote for them, as he had not been able to make up his mind on the subject. Those resolutions appeared to be the cause of what had since occurred. He did not think that there was a case sufficient to justify a suspension of the Constitution. An attempt was made to draw a comparison between Ireland and Canada, but there was this difference, that, whilst successive Administrations had refused to acknowledge the grievances of Ireland, those of Canada had not only been acknowledged, but attempts had been made to redress them. He was not the advocate of armed resistance, and deeply regretted what had taken place. The revolt appeared to have been put down, and he did not think that there was a sufficient case to justify him in supporting a measure to suspend the constitution of Canada, and he must vote against the present measure for that purpose.

Lord *Dungannon* (late Mr. A. Trevor) thought it right that the country should know that the present Government were not able to carry on their measures without falling back upon the support of the right hon. Baronet. They had been forced to look for support to that side of the House, for a storm was passing over their heads which they would find it difficult to dispel. They were now beginning to feel the effect of those principles to which they had too long given encouragement. The hon. Member for Finsbury had made a most extraordinary declaration—that a revolt was justifiable provided only it was successful. There were times when no man would have dared to avow such a doctrine in that House. If the present Government were to continue in office to whom were they to look for support? They would owe that support altogether to the right hon. Baronet and those who with him, acted on principle, and not party spirit. Were the right hon. Baronet occupying a seat on the opposite benches how different would be the conduct of hon. Gentlemen opposite! Would they give that support to him which they were glad to receive from him now? They had brought forward a measure which they could only carry by the support of that (the Opposition) side of the House. The country would now see to whom its confidence was to be given. They would see whether they were to continue to look to the present ministry, or to those who, in times of difficulty and danger, were able to guide the vessel of the State. The present Government had to thank themselves for the difficulties in which they were at present placed. There never was a Government in a more contemptible position. He repeated there never was a Government equally contemptible. Without the support they received from that side of the House, they would not be able to hold office for a single day. The country would see that confidence was only to be placed in those who were the friends of peace and good order. For his part, he would pursue the course adopted by the right hon. Baronet, in whom he had the most implicit confidence, and by whose aid alone the circumstances that had arisen could be brought to a happy conclusion.

Sir *William Somerville* would trespass for a few moments on the attention of the House. He had hitherto given his support to Ministers on this question, although he confessed that it was with the greatest reluctance he gave his support to such a measure; but the question was so surrounded by difficulties that he thought it the best that could be adopted under the circumstances. He had, however, been confirmed in his intention to support them by the censures which had been passed on the measure by the hon. Gentlemen opposite. They had censured Ministers not for what they had, but what they had not, done—they censured them for not having proceeded with greater vigour; but it was that very forbearance and humanity which induced him to continue his confidence in ministers throughout the progress of this important question. At that late hour of the night he would not trouble the House at greater length, but he could not sit down without protesting against the parallel which some hon. Members had attempted to draw between the cases of Canada and Ireland. What where the pigmy wrongs of Canada to the afflictions under which Ireland had laboured for centuries? Canada had no expensive Church Establishment, supported by a Dissenting population. Canada had not been refused a participation in municipal privileges. Canada complained of misgovernment for three or four years, but Ireland had groaned under it for centuries. Having thus entered his protest against his parallel he had only to say that his confidence in Ministers would induce him to continue his support to the bill.

Bill committed *pro forma.*

HOUSE OF LORDS,

Friday, January 26, 1838.

MINUTES.] The Royal assent was given by commission to the following Bills:—Duchess of Kent's Annuity; Joly's Naturalization.

Petitions presented. By Lord BROUGHAM, from Kirkudbright, for Vote by Ballot, and Extension of the Suffrage; the same from Gainsborough (North Riding), Totness (Devon), Beverley (Yorkshire), Peebles, and Selkirk; from the Synod of the Secession Church of Scotland, from Gorbals, and from Fife, against any grant for providing additional Church Accommodation; also from Boston (Lincolnshire), for the Diffusion of Knowledge among all classes; also from Bridport, Glasgow, Frome, Gretabridge, Merthyr Tydvil, Dawlish, and Boroughbridge, for immediately ending the system of Negro Apprenticeship.

HOUSE OF COMMONS,

Friday, January 26, 1838.

MINUTES.] Petitions presented. By Mr. MACKINNON, from Cotton Manufacturers, for the Protection of Patents.—By Mr. J. ELLIOT, from Roxburgh, for Vote by Ballot; and to put an end to Fictitious Votes.—By Sir EARDLEY WILMOT, from a place in Essex, against the West-India Apprenticeship system.—By Captain PECHELL, from Brighton, Kingston, Chichester, and other places, against the duty on Marine Insurances.—By Mr. WARD, from British and Hindoo Merchants, and others of Calcutta and Madras, against Act the 11th of 1836.—By Lord WILLIAM BENTINCK, from Gorbals, against the high rate of duty on Fire Insurances.

AFFAIRS OF CANADA.] On the motion of Lord John Russell the House went into Committee on the Canada Government Bill.

Lord *John Russell* said: I wish to address some observations to the House with respect to the course we mean to pursue relative to this Bill. I stated yesterday my view of the case, in reference to what fell from my right hon. Friend the Member for Coventry; and I certainly said, that I should be prepared this day, after consultation with my colleagues, to state the mode in which the Government meant to proceed with respect to the Bill, and the amendments proposed by the right hon. Gentleman opposite, the Member for Tamworth. Accordingly, Sir, the whole subject has been considered by her Majesty's servants, and I have now to state their opinion of the manner in which we ought to proceed on this Bill. It was the anxious wish of her Majesty's Government that Parliament might have the opportunity of considering the whole of this subject and the whole policy intended to be pursued. No one, I think, has found fault with that proceeding. Indeed, the only fault which was mentioned on the first night's discussion was stated by the right hon. Gentleman opposite, and amounted to this, that we had not brought forward the question in a more solemn manner by a message from the Crown, asking the advice of Parliament on the subject. Sir, without taking that mode of proceeding, yet I do think it right that the whole policy to be pursued should coincide with the view of Parliament, and that Parliament should be called on to pronounce its opinion respecting it. In pursuing this view we certainly have placed ourselves in difficulties with respect to the manner in which that advice should be asked. I am ready to admit, that part of that policy being to exercise the prerogative of the Crown, that either to enact or place in the preamble of the Bill a recognition of that policy, is a departure from the ordinary usages of Parliament, but one in which we thought we were justified by the extraordinary nature of the occasion. But, Sir, the right hon. Gentleman opposite has questioned this mode of proceeding, and has found fault both with the form and substance of what we propose; and my right hon. Friend, the Member for Coventry, has called on us very emphatically to declare whether we consider ourselves bound to the preamble as an essential part of the measure. Now, with respect to the nature of our proceeding, I certainly am ready to say that it is not in accordance with the ordinary forms of the House; and with respect even to its substance, I am ready to declare, as I did on a former debate, that the words proposed by the right hon. Gentleman secure that which we think essential to be secured in a Bill of this nature; that while you propose to suspend the constitutional liberties of the province of Lower Canada, you declare at the same time that it is with a view to a permanent arrangement on which those rights and liberties may be maintained and secured. Sir, there is another question on which we felt a far greater difficulty, and as to which I stated our difficulty last night. It was, that having placed in the preamble of this Bill a recognition of part of the policy that we propose to pursue, an alteration in the preamble by which that part was omitted would seem to be an implied condemnation of our policy. Her Majesty's Government have again seriously considered this matter. Now, Sir, the right hon. Gentleman's declarations on this subject are of exceeding importance, and, in fact, on such declarations as are made by the Members of this House much of our future proceedings will of course depend. The right hon. Gentleman has, as I understood him, declared that he objected to the policy proposed to be pursued, and which was contained in an extract of a dispatch written by Lord Glenelg to Lord Durham, prescribing to Lord Durham, if he thought fit, that he may, in a certain manner pointed out, take the opinion and advice of persons representing the other inhabitants in Upper and Lower Canada. Now if the right hon. Gentleman had gone any further than this, and asserted that in his opinion that policy is faulty and likely to be so injurious to the country that he could not agree to it, then undoubtedly it would have been the duty either of himself or of some other Member who agreed with him to have proposed to this House, now assembled for the purpose, and at present for the sole purpose of advising the Crown in this emergency, to declare, by some address or resolution to the Crown, that this House advised her Majesty not to sanction such a course of policy. But I have not heard the right hon. Gentleman go that length of condemnation. On the contrary, if I recollect rightly what he said yesterday evening, and in which he can now correct me if I be mistaken, his declaration was, that although he did not agree in the particular mode pointed out in the instructions, that he considered it a matter within the prerogative of the Crown on which the immediate advisers of the Crown ought to be responsible, and of which responsibility he would not relieve them by taking any share or admitting any participation on the part of this House in the plan which we submit. Such being the declaration of the right hon. Gentleman, we have felt it our duty to come to this conclusion, that with respect to the preamble itself, so far as the Bill is concerned, and looking to the importance of those considerations which my right hon. Friend behind me suggested last night, we do not think that the Bill of itself will be materially injured by an alteration in the preamble to the effect proposed by the right hon. Gentleman. Sir, with respect to the policy itself which is proposed to be pursued, we have communicated that policy to Parliament both by our speeches, and by a communication, with her Majesty's command, of that part of the dispatch containing instructions to the Earl of Durham. These instructions are, that he be at liberty, if he think fit, to consult with the province in a certain manner which is stated. Now, if those opposed to that part of the preamble which it is proposed to omit, if they entirely differ from that policy, we think that it is incumbent on them, if they extend their condemnation to the point I have stated, to offer their advice to the Throne, and to state in this House by some definitive motion a condemnation of the policy which we have so openly declared; if, on the contrary, their opinion is that it is a subject on which the House of Commons need not interfere, and that we ought not to involve the House of Commons in our responsibility on this question, but that they are content to leave it to the advisers of the Crown, why then, Sir, we consider on a view of this whole subject, that we are bound to abide by the responsibility, and to consider the House of Commons as willing to allow the matter so to rest. In short, Lord Durham, in proceeding to Lower Canada, will proceed there with our instructions, and will not consider his discretion fettered by any resolution or any vote which has been come to by this House on the subject. With respect to the Bill, the governor of Lower Canada, no doubt, would be satisfied with the Bill as it is proposed to be amended. With respect to the proceedings of this House, if no proceeding be taken, of course there cannot be intended to be conveyed any censure by the House of Commons of the proposed policy of the Ministers. I am glad to think that there is a very great interest taken on this subject by this House, and that so many Gentlemen, animated, no doubt, solely with the view to the proper settlement of this question, have attended the House at this stage of the proceeding. And, Sir, as there is a great attendance of Members, I will take this oppportunity of stating again, not what are the precise and particular instructions with respect to that part of our policy to which the preamble adverts, but what is the general nature of the policy proposed to be pursued. It has always seemed to us that, with regard to this subject, while it was our duty to call on the House to suppress all appearance of resistance to authority, and while it was our duty to provide for carrying on the government in Canada, that we ought not to be parties in any way to the supposition that the great body of French Canadian inhabitants of Lower Canada, or any other part of the inhabitants of Lower Canada, were to be made the subjects of proscription or injustice in a body in consequence of what has taken place. It is our view, therefore, that in any future settlement with regard to the affairs of Lower Canada, the wishes and opinions of the people inhabiting that province should be duly consulted. Sir, if there ever was a time when it was necessary to say this, I think it is necessary to do so at the present time. I think it necessary to do so in order that when the insurrection, which Sir J. Colborne has met with so much energy and promptitude is declared by him now to be almost at an end, shall be completely ended, the angry feelings aroused, and naturally aroused, in those who were the objects of enmity in that province shall not form the rule and guide of the power representing Great Britain in that province. Sir, I feel this because I differ widely and totally from the morality lately laid down at the bar of this House, and echoed within this House, that success is the only criterion of the justice of rebellion. I am not prepared to agree to a code by which John Hampden and Jack Cade shall be placed on the same level, and by which Massaniello of Naples would be covered with eternal laurels, and Algernon Sydney consigned to everlasting infamy. I am not prepared, therefore, whilst I do not estimate the merits of insurrection by success, to estimate guilt by failure. I consider still, as I did at the commencement of this insurrection, that the greater part of those who were led into it were so led chiefly by ignorance, partly by the ill construction of the powers of the government in Lower Canada, and partly by the arts and seductions of an ambitious party in that country, who made these unfortunate and simple people the tools of their machinations. In any settlement that is made in the affairs of Lower Canada their interests ought to be fully and fairly consulted. I stated, therefore, to the House that it is part of our policy when tranquillity shall be restored, and when the general opinions can be gathered, in whatever method they may be gathered (and that is a point into which I shall not now enter), they should be communicated to Parliament, and that we should not appear to be forcing on them a charter which by them may be considered a badge of slavery, but that we should rather try and come to some settlement according with their habits, agreeable to their notions, and likely to secure tranquil government for the future. This, therefore, is an essential part of the policy we mean to propose. I do not think it will be possible otherwise to carry on the government in such a manner that this House can be reconciled to its justice. Those who have seen some of the newspapers that have lately come from Upper and Lower Canada must be aware how highly irritated the feelings of some parties in the province are, and what a disposition there is to push victory to excess. I wish to state to the House that in abandoning—as I am ready to abandon—that part of the preamble of the Bill which is objected to, I still think that the position of the Governor sent from this country as was stated in the first debate which we had on this subject by the hon. Gentleman, the Member for Newark, who has always spoken with the greatest ability on this question—should be such that he may stand as mediator between the two adverse and extreme parties. I am of opinion, that by that means only can peace be preserved. I am of opinion that by such means only, and by preserving our supremacy over the province, can the permanent prosperity of its people be preserved. I am not afraid, as some of those who live in that country seem to be, that in the long run, the people of British descent will be permanently oppressed by the ancient inhabitants. My opinion is, that if we secure not only to the British, but the ancient settlers, every right and privilege they ought to possess, that they may live together in peace and harmony; and in the end I do hope—for I must express this hope—that if they have a constitutional government, that the British feelings and opinions which I have always considered the safest foundation of constitutional government—which are more essential to its proper working than any articles or provisions that may be inserted in it—I do hope that those feelings may pervade the province of Lower Canada, and that actuated by them the people of Canada will carry on their constitutional government with the freedom and liberality, but likewise, I trust, with the temper and moderation, which has always distinguished the Parliament of this country. Because, in this country, with the exception of some extreme contests, though there has been every assertion of freedom on the one hand, there has been a willingness on the other to give the Government every power which could enable it to act as a Government, but not to admit a licence fatal to the existence of the constitution. I have now stated what I propose to do as regards the preamble of the Bill. With respect to the clause, which the right hon. Baronet has given notice of his intention to move the omission of, namely, the clause giving power to the Queen in Council to repeal the Bill, I am still of opinion that it is in itself defensible; because power has been given on several occasions to the Lord-Lieutenant of Ireland, to proclaim certain districts under coercive laws, and he had been invested with power also to mitigate the severity of that law at his discretion: I, therefore, see no objection to the principle of the Queen in Council being enabled to repeal this Bill. But when I say this, I am likewise of opinion that if any objection is taken in Parliament to give such a power to the Crown—if it is assumed that Parliament ought to retain this power—I think that Parliament has not only a right to decide the question, but further, that no such legislative power ought to be given to the Crown without the entire, or at least all but the unanimous, voice of Parliament. For these reasons I shall not object to the omission of this clause. [*Loud cheers.*] I perceive, Sir, that this declaration of mine is received with great cheering on the other side of the House, which would almost induce me to suppose that there are some persons in this House who, notwithstanding the magnitude of this subject, do not look solely and entirely to a happy settlement of the affairs of Lower Canada—that there really are some persons who have a party purpose to answer in their support of the right hon. Baronet opposite. Sir, if that is not the case, I am extremely happy to hear it; because then I may naturally hope that there will be nearly a unanimous settlement of this subject—because, with respect to the suggestions made as to two parts of the Bill, not essential parts, I am willing to accede to the proposition of the right hon. Baronet, as I understand him to say that any powers necessary for carrying on the Government and legislation of Lower Canada he is willing to grant. Any powers beyond those absolutely necessary to enable the Governor-General to carry on the Government of Canada I do not desire, nor, therefore, do I insist on them—as the right hon. Gentleman is willing to grant us the chief provision of our Bill, comprising all the material powers we seek. But, Sir, besides the powers in the Bill itself, there is the question of the policy embodied in the instructions to Lord Durham, which have been communicated to this House. Sir, with respect to that policy, I declare that we maintain it, that we stand by that policy, and that, though we accept the amendments of the right hon. Baronet, we do not abandon the policy which we have taken up. Sir, I am only adopting the sentiments and uttering, imperfectly, language which I have heard from those opposite, when I declare that, on a subject of this kind, if there is a want of confidence in the policy to be pursued, that want of confidence ought to be constitutionally declared; that if instructions given to a public servant are considered worthy of condemnation, it is for those who purpose to condemn them, to make a specific motion, expressive of their sentiments. I repeat, Sir, that I stand here to declare that we will carry out our policy, that we do not mean to abandon any essential part of it; but at the same time, I wish it to be seen that we do not desire to maintain the proposition which has been so much opposed. Then, Sir, I maintain that we are not making any extraordinary or unwarrantable assumption—that we are not bringing the prerogative unduly to bear upon the privileges of this House—when we conceive ourselves justified in concluding that if no condemnation is pronounced, no condemnation is intended, and that, therefore, our discretion is left entirely free. Sir, with these observations, I believe, I may close the statement of the course which we intend to take with respect to this Bill. I will again say, if there is any part of the Bill which gives the Governor-General an exorbitant power, not necessary for carrying on the Government, we wish the clauses to be amended in that respect; but I do hope that this House will take care that they establish a Government in Canada capable of inspiring respect; and that they will see that they do not, in their course on this Bill, renounce the hope, and I trust the well-founded hope, of restoring or erecting a constitutional Government in that country,

Sir *R. Peel:* Sir, when I first became possessed of the bill of the noble Lord for making a temporary provision for the Government of Lower Canada, I availed myself of the earliest possible opportunity of giving public notice that there were two provisions in that bill to which I entertained insuperable objections; and that it was my intention to move amendments to those provisions, and to take the sense of the House for the purpose of having the deliberate decision of Parliament on the subject. I took the course—rather an unusual one—of giving notice of the amendments which it was my intention to propose, for the express purpose of disclaiming any advantage from concealment, and of enabling the noble Lord to take the measures which are usually taken on important questions, to secure such an assemblage of Members as should clothe the decision of this House with the important character of numbers. From the first I never entertained the slightest doubt that I should succeed. I felt so satisfied that the amendments which I intended to propose were founded on reason and common sense, that I paid the House of Commons the compliment of believing that they could not resist the adoption of them. And when I heard hon. Gentlemen on the other side say that the very words in the preamble to which I objected constitued in their eyes the chief, if not the sole recommendation of the measure, and when I read in the organs of government, denunciations of my motives and feelings, my confidence in ultimate success was not in the slightest degree diminished. Nay, when I heard the noble Lord last night say, in speaking of my objections, that if they were objections of form he would withdraw his opposition to them, but that if they were objections of substance he should feel some difficulty on the subject: and when I thereupon declared that my objections were not objections of form, but objections of substance, still my confidence in the reasonableness of my proposition was not in the least abated; and I felt perfectly satisfied that either by the vote of a majority, or by the voluntary adoption of my amendments on the part of the Government, reason would prevail, and the objectionable clauses would be struck out of this bill. Sir, my confidence has been justified by the result; for I understand the noble Lord to declare, that he is prepared to adopt, without qualification, the propositions I have made. It is, therefore, wholly unnecessary for me now to declare what my own views and intentions are. To preclude misconstruction, however, I will add that, I did not propose to move for the simple omission of the preamble of the bill, but I expressly stated what was the substitute I proposed, that in lieu of the preamble of the noble Lord; there should be inserted words to this effect:—"That temporary provision should be made for the Government of Canada in order that Parliament might be enabled after mature deliberation, to make permanent provision for the constitution and government of Canada." I did not say, for the Government merely; and I inserted the word "constitution" expressly to imply that the government should be a constitutional one. I added "that the basis should be a permanent one," and also "that the basis should be one which would secure the rights and liberties and promote the interests of all classes of her Majesty's subjects." By using the words "interests of all classes of her Majesty's subjects" I did mean to claim for Parliament the right of taking a comprehensive view of the whole subject, of considering the claims of British subjects, and of providing, by the establishment of a representative system, for the protection of British property and feelings. By the words "rights and liberties" I expressly meant to imply that every right which the French Canadians now possess, either by capitulation or by treaty, should be strictly preserved to them—that those rights in respect to religion, and in respect to every peculiar privilege derived from capitulation or treaty should be preserved to them. I also intended to imply that the French Canadians and the British Canadians by birth should be secured in the enjoyment of a free constitutional government founded on this basis; that while it was a government established on free and constitutional principles, it should also be a government possessed of the means of defence in any case of emergency, and of providing in every respect for the good government of Canada. There can be no common interest between all parties unless such a government be established. It cannot be expected that we should undertake a charge of defending the colony in time of war, unless we are assured that there is a disposition existing in it to cultivate our connection; and if our interests are endangered, to sacrifice all minor considerations to their support. I do not now think it necessary to refer to the amendment which I proposed, and which was framed expressly for the purpose of comprehending the views which I have just explained. The noble Lord has entered (in my opinion somewhat unnecessarily) into his views of the principles of policy upon which Canada ought to be governed. In some respects I entirely agree with the noble Lord. It appears to me to be most important that the British Government should appear in Canada in an amiable light; that it should appear in the light of an arbiter between the contending parties. I am not disposed to leave the arrangements which it will be necessary to make to persons who are in a state of exasperation; exasperation to a certain extent, perhaps just and excusable, but still exasperation. Sir, it is because this is my opinion that I think the British Government in Canada ought to have been placed in such a position as to have been enabled to enforce its own policy, and to have maintained a due respect for the dignity of the law and for the honour of the Crown, not by the voluntary exertions of the inhabitants, however laudable, but by a British military force, disclaiming all participation in the feelings or views of either party, and solicitous only to maintain the legal and constitutional authorities. Sir, it is because I agree in the noble Lord's present policy that I am disposed to condemn his former policy with reference to this subject, and to express my surprise that the noble Lord did not foresee the great probability that the resolutions to which we agreed last spring might, on their reaching Canada, occasion an outbreak of party feeling, and produce an excitement and violence, the only way to allay which would be a temperate exhibition of strength on the part of the Government. The noble Lord says—taking a different view of the subject from that which he took yesterday—that as no inconvenience will arise from the omission of the words which it is now proposed to leave out of the bill, no reflection can be cast on her Majesty's Government for the course which they have pursued. "But," adds the noble Lord, "if you object to our policy it is your duty to propose a vote of censure upon us." Now, my principle is that we have nothing whatever to do with the policy of her Majesty's Government on this subject. I am not to call in question the exercise of the royal prerogative in the appointment by the Crown of the Earl of Durham as governor-general of Canada. That noble Earl has been selected by the Crown for that situation; and, Sir, I know too well the importance of maintaining the prerogatives of the Crown not to check the first attempt to call in question, without a very grave necessity indeed, the exercise of such a prerogative. I shall act consistently with the same principle with reference to the instructions which have been given to Lord Durham by her Majesty's Government. I will not notice those instructions. I will not recognise them. I will propose no vote of censure upon them. For, were I to do so, and were I to select the parts in which, in my opinion we ought to concur, and parts which, in my opinion, we ought to condemn, I should place myself, a mere Member of Parliament, in the situation of an adviser of the Crown. If I exercise the right of unqualified censure and condemnation, I ought to exercise the right of qualified censure and condemnation; and in detailed instructions it is impossible that every part should be equally open to remark. Now, what would be the consequence of that? That I should claim for the House of Commons a participation in the exercise of the prerogative of the Crown; and a most dangerous precedent it would be, if we were thus to pronounce, *à priori*, an opinion on the policy of Government. So I tell the noble Lord that he need not expect that any vote of condemnation will proceed from me. I abstain from that vote on the same principle with reference to the instructions which have been given to Lord Durham as that on which I abstain from it with reference to the bill under our consideration. As to the instructions themselves I do not think we ought ever to have seen them. I will in no shape by any public proceeding contract any responsibility on the subject; but it may save time if I tell the noble Lord that I hold her Majesty's Government entirely responsible with reference to it, and that my being in possession of the instructions in question, and yet maintaining silence upon them, in no way renders me responsible. I retain the right of questioning the policy of those instructions as if I had never seen them; and still more, I declare, as far as my private opinion is concerned, although I do not mean to record that opinion by any vote, that of all the public documents I ever met with I think that these instructions to Lord Durham are the most eminently absurd. In the first place, let me ask hon. Members if they do not think it would have been more consistent with common sense to have waited until the last moment of the noble Earl's remaining in England before communicating to him those instructions. If, Sir, I had determined on adopting a different course, I should have proposed a kind of *contre-projet* to the instructions, commencing with some such terms as these:—"My Lord, I have postponed until the latest moment giving your Lordship any instructions with respect to the course and policy of your proceedings in Canada. I have waited for the latest arrivals from that colony, in order to ascertain by them what is the existing condition of Canada, what are the opinions of various persons with reference to that condition, and what are the best means which offer themselves for securing the object of your Lordship's mission." But even now, if I were to address the noble Earl officially on the subject, I should say "As Parliament has thought fit to intrust to your Lordship immense powers, *à fortiori* I think it is incumbent on me to leave your Lordship at liberty as to the mode of exercising your powers on your arrival in the colony. So far from fettering your Lordship, who will not sail until the first of April, with instructions dated on the 20th of January, instructions implying a total want of confidence in your own means of obtaining information in the country, and dictating to you how many advisers you shall collect from this council, and how many from that; how many from Upper Canada, and how many from Lower Canada, I content myself with stating to you generally the object which her Majesty's Government have in view, having full confidence that when your Lordship arrives on the spot where your operations are to be carried on you will soon be much better qualified to give effect to our intentions than we can be qualified at present to instruct you." Would it not be more consistent with common sense thus to leave Lord Durham to act according to the dictates of his own judgment, when he arrives in Canada, and when he is put in full possession of the existing state of affairs in that colony, of which it ought to be presumed that he will be a competent judge, than to embarrass him with these previous instructions. When the noble Lord opposite, therefore, challenges me to give my opinion of these instructions, although, I will not put that opinion in a formal shape and place it on record, I am perfectly ready to declare it, and to offer it to the noble Lord as the index of the course which I may hereafter pursue with reference to this subject. By those instructions her Majesty's Government leave the noble Lord no option. He must either have no meeting of councillors at all, or exactly such a meeting as they prescribe to him. He is either to have no committee of advice, or he is to have such a committee of advice as her Majesty's Government have dictated to him. Now, suppose the noble Lord on his arrival in the colony should find that a great change has taken place in the disposition of the members of the Legislative Assembly; suppose they say to him, " We find that we have been deceived, and we are now ready to conform to the wishes of the British Legislature," is the noble Lord then to call together all the constituent body in the five districts of each province—a body of which we were last night told by the hon. Member for Coventry that not two in a hundred can read and write—is the noble Lord to call that body together for the purposes described in the instructions. Would it not be wiser to leave the governor-general on his arrival at the seat of his government, and after he has been put in possession of all the facts of the case, and has collected the opinions of the various authorities on the subject, to act as he may think proper, rather than on the 20th of January to tie him down to any particular course? I repeat, then, frankly that although I will not propose a vote of censure on these instructions, my condemnation of them is not the less unqualified; and, confident as I was in the success of the motion of which I gave notice with reference to the Bill before us, I am equally confident that her Majesty's Government will find themselves compelled to withdraw these instructions. I say that these instructions ought not to be maintained; I say they cannot be maintained. If you wish for conciliation in Canada you will not maintain instructions directing the Governor-general to select three Members from the Legislative Council of Upper Canada, and to invite the House of Assembly of Upper Canada to nominate ten of its members, not for the purpose of giving the Governor advice with respect to the affairs of Upper Canada, but for the purpose of uniting with individuals selected from the Legislative Council of Lower Canada, and elected by the constituent body of the Legislative Assembly of Lower Canada, to consider, among other matters " the provision that should be made to meet the necessary expenses of the civil Government in Lower Canada, the state of the law affecting the tenure of landed property in that province, and the establishment of a court for the trial of appeals and impeachments." All these topics, be it observed, are exclusively interesting to Lower Canada. Why introduce into the Committee of advice thirteen persons from Upper Canada, whose very presence may possibly excite irritation? I ask any reasonable man whether such an instruction as this is not, at least, more than necessary? If the noble Earl should arrive in the colony in May, he will be the best judge of what in the existing state of the position of the colony and the feelings of the people, it is expedient for him to do. Would it not be a wiser course to leave the noble Lord to his own discretion, instead of saying to him, "If you call a Committee of advice, it shall consist of such and such persons; and, although the subjects on which the advice of the Committee is to be given concern exclusively Lower Canada, thirteen of the Members of the Committee must be Upper Canadians?" Sir, after the challenge of the noble Lord to state my opinion of these instructions, it would be uncandid and dishonest on my part were I to abstain from declaring that I consider the manner in which her Majesty's Government propose to proceed calculated to rouse opposition to their own measures and to obstruct what may perhaps be found to be a very desirable object, the union of Upper and Lower Canada. On that ground, Sir, I object to her Majesty's Government making known their instructions to Lord Durham. But why have they done so? If they adhere to the proper and constitutional course, they would not have communicated his instructions to the noble Lord until he was ready to sail; but they found it necessary to publish these premature instructions for the purpose of propping up their abominable preamble. This has driven them to the melancholy expedient of giving the Governor-general of a colony his instructions three months before the period of his sailing; but I tell them, with the same confidence with which I predicted the success of my amendments to the Bill, that they will be obliged to repeal their instructions. To those instructions, however, I totally disclaim making any allusion otherwise than as stating my private opinion respecting them. Sir, I might urge other reasons for condemning those instructions. I am not willing that Parliament should part with the power or the means of entering more deeply into the question of our North American provinces. We may find it necessary to institute an inquiry at the bar of this House into circumstances connected with those provinces. It is possible that we may consider it advisable to unite the provinces of New Brunswick, Nova Scotia, Cape Breton, and Prince Edward's Island with the two Canadas, each province having a domestic Government, but all externally pursuing a common interest, and prepared to defend that interest when involved in difficulty and exposed to danger. If this could be accomplished, if the time should come when the plan that I have hinted at may be carried into effect, I can easily conceive that great advantages would be the result. Those colonies have for many years been the outlet of the superabundant population of this country, a population carrying with them reminiscences of old England that must occasionally break out in the expression of feeling; and which, in spite of the French Canadians, and in spite of the neighbouring democratic states, would in all probability in the hour of danger to that mother country, whose language they speak and whose institutions they admire, induce them to rally them round our standard, and to share the difficulties and perils of foreign war. Let us not then tie up the hands of Parliament from entering into any investigation from which such beneficial results may at some future period be derivable; and for that reason I am unwilling to confine the considerations connected with this subject merely to the union of the two Canadas. Notwithstanding the comparative weakness of our other North American colonies their union would add to the strength of each, and would tend to elevate them in the scale of civilisation. I will not abandon the hope that such a union may some day be formed; and to facilitate its formation, I would fortify the British interests in Canada, leaving them the full possession of their rights but retaining in our own hands the means of providing for the good Government of the province.

Mr. *Ellice* did not rise to answer the right hon. Baronet, but to declare to his noble Friend how certain he felt that his noble Friend's concession, in withdrawing that part of the preamble of the Bill to which the right hon. Baronet objected, would produce a most beneficial effect, by the almost unanimous vote on the question that would be the result. As he had stated last night, he saw no difficulty in reconciling this concession with the perfect preservation of the principles of the Bill. Both parties agreed that to the noble Earl to whom was to be intrusted the arduous task of reconciling the differences in Lower Canada, and establishing a free and liberal Government, the fullest means of obtaining the best information as to the general feelings and wishes of the people of the colony should be allowed. Knowing that there was that agreement on the subject between the two parties, he had anticipated that the question might be determined without having recourse to any division. In the opinions which had been stated by his noble Friend below him he fully concurred. He would be the last man in the world to advocate any attempt to settle the constitution of Canada not founded on a determination to respect and protect all the rights, privileges, and liberties of the people. He perfectly agreed, also, with the right hon. Baronet that every right which they possessed by capitulation, or by treaty, or with reference to the principles of justice, should be secured to the French Canadians. All that they had to do was to proceed upon that principle. He cared little about the fate of the preamble which had been given to the Bill, neither did he feel disposed to enter into the details of the instructions which the ministers of the Crown had thought fit to give to their representative upon their own responsibility. He might possibly agree more with the right hon. Baronet than with her Majesty's Ministers. There was no reason why he should not state fairly to the House that he had been opposed to the preamble from the very first. He had never concealed his opposition to it; her Majesty's Ministers had been fully aware of his feelings upon the subject long before his declaration of last evening. He agreed with the right hon. Baronet more than with her Majesty's Ministers upon this point, that it would have been better to have introduced the Bill with a simple statement of the principles upon which it was founded and the objects which it had in view, and then for the noble Lord to have asked his friends for that confidence which every Government had a right to expect as regarded the giving sufficient instructions to the representative whom they should choose to carry the measure into effect. It was true that his hon. Friend the Member for Sheffield, in proffering his support to the Bill, or rather in stating the reasons why he should not oppose it, stated, that he did so with the fullest approbation of the principles set forth in the preamble; and the hon. Member for Finsbury stated, that the only part of the Bill which he liked was that which declared that the Canadians should be consulted with respect to the nature of the free constitution which they were to receive. Why that was the only part of the proceeding which he liked. He would not vote for a measure of coercion unless he entertained the fullest confidence in the Government who introduced it—he would not vote for it unless he felt satisfied that it was intended to have only a temporary operation, and that the suspended rights and liberties of the Canadian people would be restored at the earliest possible period that the well-being and peace of the country would permit. If it could be supposed that any part of that principle were to be abandoned in consequence of the abandonment of the preamble, he was not prepared to say that he could have supported the proposition of the right hon. Baronet; but, as he said last night, he foresaw from the first that they were all agreed as to the principle upon which they were to proceed. With respect to the future prospects of these extensive colonies, and to the possibility of ultimately uniting them, he must say that he fully coincided in the views and opinions expressed by the right hon. Baronet. But at the present moment, in the present excited state of feeling in the colonies, he thought it would be unwise, and possibly dangerous, to instruct the Earl of Durham to call a convention of the several states to discuss that topic. To propose an union of all the British North American provinces at the present moment would perhaps be the most inflammable topic that could be introduced. There would always, indeed, be great difficulty in bringing such a measure about on account of the different feelings, different laws, and different interests which existed in the different provinces. There were, besides, other feelings arising out of the late unhappy conflict which would render any proposition for effecting an union of all the provinces highly unadvisable without further and most mature consideration. But though it were impossible to accomplish so desirable an object at the present moment, it would be highly desirable that the Government at home should adopt towards the colonies such a course of policy as should tend to unite their various interests, to obliterate old prejudices, and to establish among them such an identity of interest and feeling as should ultimately admit of their being permanently united. He was sure that much might be done towards that end; he was sure that such a foundation might now be laid as would secure at no distant day the full attainment of that desirable end. As he stated last night, he wished to abstain entirely from any expression of party feelings. He could not discuss this question as a party question. It was too vitally important to be regarded or debated as a party question. He was sure that the right hon. Baronet (Sir R. Peel) would give him credit for the tone and manner in which he had spoken upon the subject. He rejoiced that his noble Friend had acted upon the advice which he (Mr. Ellice) ventured to give him last evening and had reconsidered the preamble. He rejoiced, too, at the course which his noble Friend, in consequence of that reconsideration, had determined to adopt. He (Mr. Ellice) foresaw from the first, that, if the Government were to retain the preamble, they would be open to all sorts of misconstruction in the minds of the Canadians. Deeply interested as he was in the question, having for many years devoted himself very much to the affairs of Canada, he could not now abstain from congratulating the House and country that there was a prospect of their coming to a nearly unanimous opinion upon the measure before them. With respect to his noble Friend, he must observe that he knew the noble Lord to be so utterly incapable of propounding anything to that House which could have the effect of permanently restraining the constitutional rights of any part of the empire, that he should have had his full confidence and full support to the Bill upon his own character alone if he had chosen to ask him for it upon that ground. He begged to repeat, that he had involved himself in this discussion most unwillingly. He had privately determined to abstain from taking any part in the debates upon the question from the beginning to the end. He was led to depart from that intention last evening from the hope that he might induce the House to abandon all feelings of party upon the question, and to come to an unanimous, or a nearly unanimous, vote. He wished, however, as he came quite unprepared last night, and as he believed some of his observations, from the imperfect manner in which they were expressed, were not very clearly understood, to correct an error which appeared in the report of one of the newspapers. In speaking of the conduct of the American Government, he said — and he hoped it was in the recollection of the House upon that point—that he thought the conduct of that country in this crisis of the affairs of our colonies had been most generous and most friendly; whereas it was reported that he had said that they were on the watch to take advantage of the difficulties in which the mother country might be involved. From the confused manner in which he had expressed his opinions last evening, he was not surprised that the misconception should have taken place; but he was well assured, from personal knowledge upon the subject, that the most friendly and amicable feeling was entertained by America towards this country. He should, therefore, be shocked to have it supposed that he had declared such an opinion as that attributed to him in the report. Whatever former feelings, arising out of old and unhappy differences, might have been, he believed that throughout the whole of America there now prevailed but one common sentiment, that what they called the Anglo-Saxon race might remain united in all countries in which it established itself under the same principles of liberty and freedom as were asserted and maintained by their forefathers. He believed that the measures taken two years since by his noble Friend to prevent a quarrel between France and America, and the recent conduct of the general Government of the United States, as well as the provincial Governments of the two states of New York and Vermont, verging upon the British frontier, were likely to do more to promote the good understanding which already existed between England and America than any advantage that could arise either from their commercial intercourse with each other, or from any other cause. He could state from personal knowledge, that an effect was produced by the interference of the English to prevent the quarrel between France and America, which would never be forgotten in the latter country; and he was sure that in England the kind and liberal conduct of America in this crisis of the affairs of the colonies ought to take an equally tenacious hold of our memories. So far from the United States feeling an interest in these dissensions, or desiring to take advantage of them, he was persuaded that the general feeling in that country had been to give every assistance it could to restore peace and tranquillity to the disturbed districts of the British possessions. He was also persuaded that the opinions expressed by some Gentlemen in that House with respect to the manner in which the British colonies had been governed were not participated in by any portion of the respectable population of the United States. He believed that a general feeling obtained throughout the whole of America that the conduct of England towards her North American possessions had been mild, unselfish (if such an expression might be used in reference to the conduct of a nation), and solely directed to the benefit and advantage of the colonies. Who could doubt, indeed, that the connexion between Canada and England was ten times more beneficial to the colony than to the parent state? And whenever peace should be restored, after the sad interruption it had recently received, he felt satisfied that one of the best means by which England could seek to reconcile the Canadian people, and to bring them to a speedy adjustment of all differences, would be to dwell on the advantages which they derived from our connexion, rather than, as he said last night, by pressing upon them our desire to govern them for some purpose of our own. He had nothing more to say upon the subject, except that he congratulated the House most sincerely upon the result at which it had arrived. He hoped that his noble Friend, in abandoning those words of the preamble, would not subject himself to any expression or any feeling of party triumph. But if such an ungenerous and unworthy feeling should for a moment be entertained or expressed, his noble Friend might console himself with the reflection, that in taking a step, which went to secure an almost unanimous vote upon the measure before the House he did more towards a reconciliation with the colonies, and to the establishment of a good and proper feeling in them, than it would be possible for any Minister to procure by any other means. With such a reflection, his noble Friend might well console himself for any little expressions of triumph in which his adversaries might choose to indulge.

Mr. *Harvey* said, that having expressed no opinion whatever on this interesting and momentous subject out of the walls of that House, and having yet had no opportunity given him of expressing his opinion within it, he owned that he had been inclined to trespass at some length on the patience of the House, to state the reasons which had induced him on a recent occasion to vote against the second reading of this Bill. But he should now relieve the House from any apprehensions on that score, because he could not speak of a Bill of which he knew nothing. The Bill (continued the hon. Gentleman) upon which we have had a debate for the last week, the Bill framed with so much care and so much legal judgment, brought forward after long and anxious consultation, with the sanction of the highest legal authority, was naturally presented to our attention as being perfect in all its parts —having no ambiguity in its object—no undue verbosity in its expressions. And yet so true is it in legislation, as in the higher interests of human affairs, "we know not what an hour may bring forth." In the short interval of four-and-twenty hours this Bill, so perfect and mature, has been decapitated, and has lost its tail. I hope, then, I shall be excused if I reserve any remarks I may have to make until the period when, peradventure, we may be led to hope the Bill will be perfection itself; that is to say, when it shall be submitted to the House for the third time. But I still hope that the conversation which we have had this evening, by far the most valuable of all the discussions we have had upon this subject, will not be allowed to pass away as a shadow, and to leave no effect upon it. I hope we may be allowed to implore the leader (Sir R. Peel) of the powerful party who range themselves upon the opposition benches to throw aside the sin which besets him of being the leader of that party, and that he will hereafter continue in his course of well-doing to counsel the cabinet, to throw around it the shield of his protection, and to spare her Majesty's Ministers and the nation from the evils which otherwise beset them. The course which the right hon. Baronet has recently pursued reminds me of the practice in a lawyer's office when I was a lad. When a draft was first prepared, it was submitted to some subordinate member of the profession—generally to somebody under the bar, who had his small fee and advised upon it; but when, in a subsequent stage, it came to be more seriously and gravely considered, it was sent to some master mind—to the very highest in the profession, who perused the deed, and finally determined the terms of it. Now, it would seem that, although we have a cabinet of small men, who consider and put together their crude notions and thoughts, they are obliged, after they have thrown them into the form of a draft, to send it for revisal to the leader of the opposition. And what a splendid instance of disinterestedness was here offered by the leader of the opposition, who, whilst he gives all his important advice gratis, allows the little people to take all the fees. This is in many respects full of consolation. It will greatly tend to dispel those ungenerous imputations which have been very unsparingly cast upon the conduct and sentiments of many Gentlemen in this House. Because, although I do not hesitate to say, that in some material respects I differ from those hon. Gentlemen with whom I concurred in opposing the second reading of this Bill—although I am far from considering that our colonial possessions ought to be lightly treated, or slightly considered of—yet it is not to be forgotten that nearly all those sentiments and suggestions which have since been popularised, inasmuch as that they have been taken up by the hon. Gentlemen opposite, were thrown out in the first instance by the Gentlemen to whom I allude, and upon whom so many ungenerous and injurious imputations have been cast. The right hon. Baronet mentions it as a matter of imputation upon the Government, that when they sent forth arbitrary resolutions which had been the cause of all the mischief in Canada, but which were so vehemently and almost universally supported in this House, they did not, at the same time, make a sufficient demonstration of military force, which, said the right hon. Baronet, would have protected the colonies from the frightful scenes of devastation which have been exhibited in them. But let it not be forgotten that all the Gentlemen who resisted those resolutions—though they did not admonish the Government to send out a strong military force—yet distinctly foretold that if they were passed they could only be sustained and carried into operation by the aid of an increased military power. Then, are Gentlemen who are few in number, and who may labour under the reproach of being too philosophical in their views, to be treated as nought, because they have not a powerful party behind them to vociferate every sentence, to turn every period, and to give importance to suggestions which have no inherent weight or value in themselves? The right hon. Gentleman, the Member for Coventry (Mr. Ellice), has, I own, exhibited a new light tending much to disperse the clouds which have hitherto hung around this question. He has expressed a hope that the House will come to an unanimous vote upon the subject. I agree with him in the vast importance which must be attached to the Bill's receiving the unanimous support of the House; and after the discussion of to-night, I think that prospect is not entirely hopeless. In the present distracted state of parties in Canada—the one party struggling for popular rights, the other endeavouring to sustain prerogative—it is very possible that there may be no other means of controlling these rivals than by extinguishing both; but before I resort to a measure so despotic I must be assured that there are no other means by which it may be possible for me to attain the end I have in view. It has, therefore, from the beginning of the discussions upon this subject, appeared to me that whilst I should be most prompt to confer these great and responsible powers upon the noble Earl who has, I think, been most happily selected by her Majesty's Government—cheering, as he does, the friends of freedom wherever he goes—I should at the same time be little disposed to fetter him in the exercise of the mighty authority with which he is clothed. Why should he be curbed or fettered? Are the Government disposed to give him the vast authority with which they vest him under suspicion? If not, let him go forth armed with this bill, and let it contain a provision that shall enable him in all respects to act as in his judgment he shall deem wisest and best. I have read—and I hope every Gentleman whom I now address has done the same—the whole of the papers which have been produced upon this subject. For one, I can say that there is not a report, nor a particle of the testimony from any witness examined before any of the Committees which have met upon the subject, nor a line of the correspondence which has taken place between the Colonial Secretary and the different governors of the provinces, from the year 1828 down to the present moment, which I have not carefully perused; and I own it strikes me that there is every reason to hope—and recent circumstances tend to confirm that hope—that if Lord Durham, armed with the present bill, were allowed to dissolve the present assembly in Lower Canada and to convene another, he would find that assembly scarcely less devoted to British interests—scarcely less inclined to follow out desirable objects than this House itself. The improving spirit of the House of Assembly, even with Mr. Papineau as its speaker, must have struck every one who has read with attention the dispatches from Lord Gosford. Let me mention an instance. Papineau was speaker of the house, and it is important to bear that fact in mind, when an address was proposed to the Assembly condemnatory of the policy of this country. An amendment was moved by one of the opposite party, and what was the division? Notwithstanding the fact of Papineau being speaker—and we all know the merited weight which a speaker's opinion has in all assemblies of this description—notwithstanding the fact of that individual throwing the whole of his weight and influence on the side of the address, when the Assembly came to divide upon the question the numbers were, forty-eight for the original motion, and thirty-two for the amendment. This is sufficient to show that there was, at that time, a strong British feeling in the House of Assembly. The disparity of numbers between forty-eight and thirty-two was not so great as to show an overwhelming influence on one side. It scarcely amounted to more than a government majority in any assembly; and Lord Gosford, in several of his dispatches, distinctly intimates his belief that the time will come when the Assembly may be successfully appealed to. Why, then, should not the representatives of this interesting people be at once consulted? There is another point growing out of the conversation of this evening, for it could hardly be called a debate, which provokes the consideration of the House. It is this. For what purpose are the instructions (or extracts from them) which have been given by Lord Glenelg to Lord Durham placed upon the table of this House? Are they to be dealt with by us? or are they to remain there for the artful and subtle purpose, if the necessity should hereafter arise, of leading the world to suppose that they were sanctioned by the House of Commons. On this point, the hon. and learned Gentleman continued, he differed from the right hon. Baronet opposite (Sir R. Peel,) and the right hon. Baronet would pardon him for saying, that it was not befitting the high station which he held, both in this House and in the country, upon a question like this, when all the elements of party ought to be hushed in one common struggle to carry out one great object—to say on the one hand that he would have nothing to do with those instructions, that they were mere waste paper; and at the same ime to give a powerful adverse criticism upon them, which would go across the ocean and influence an impression that the sense of the House had been taken upon them. In his opinion those instructions ought to be retracted altogether, or the sense of the House should be formally taken upon them. When he looked at their despotic character, he could not but think it was mean and despicable first to tell the noble Lord intrusted with this important mission to take a flight to the regions of liberty, and at the same time to clip his wings, to say that the noble Lord was to go forth with enviable powers to give a free constitution to that country which it deserved—a country which knew, felt, and estimated the value of freedom—and at the same time to restrain him from doing that which, before the noble Lord had been twenty-four hours there, would strike him as the very first thing he ought to do. Let the House bear in mind its own resolution, namely, that it was inexpedient that the council should be elective. Now Lord Gosford said differently, and stated distinctly that the council ought to be elective. Look at the evidence given by every gentleman who had been examined before Committees of the House, and it would be seen they had all given it as their opinion that that branch of the legislative power required serious control and revision, so that the noble Lord about to go out to Canada was empowered to do anything and everything, except that very thing which, past doubt, would be the best. It was not treating either the Government or the Canadians fairly to get off these instructions as waste paper, and he trusted the right hon. Baronet opposite would press the Government upon them, for notwithstanding the taunt which had been thrown out that those who pretended to be the friends of liberty were giving their countenance to the despotic plan of the Government, he was satisfied that if the right hon. Baronet brought forward a motion that would effect the retractation, or elicit an explanation of those instructions, he would find that the calumniated party, though few in number, would give him support as strenuous and as sincere as those by whom he was now surrounded, Viscount *Howick:* The hon. Gentleman who has just sat down has not failed to avail himself of the opportunity which he thought was afforded to him by my noble Friend's concessions to endeavour to throw ridicule upon the Government; but I assure him, and I assure the House, that although his wit was directed against ourselves, I, at least, was not prevented from enjoying it; because I felt that his sneers and taunts were not deserved, since that change in the policy of the Government against which they were directed has not taken place. Had we believed such a change to be required for the good of the country, I know that my noble Friend—and I entirely concur in his feeling—would never have been deterred by any sneers or by any taunts, however well deserved, from taking the course which he thought his duty to the Crown and the public prescribed to him; but I deny that there has been any necessity for taking a course affording just grounds for the ridicule with which we have been assailed. I say that, although we did assent, for the reasons so well stated by my noble Friend, to the alteration in the preamble of the Bill which was proposed by the right hon. Baronet, we in no one respect or particular deviate from the policy which dictated that preamble, nor in any respect propose a change in the line of conduct which we had previously determined to adopt with respect to this momentous question. The right hon. Baronet has stated in very strong language his condemnation of the course which we have pursued in presenting these instructions to the House, and also his opinion condemning the substance and the nature of those instructions. Upon these two points, avoiding as far as I can entering upon other topics, which have been so fully discussed in the House, I am anxious to offer a few words. With respect to the production of the instructions, I think that that course of proceeding wa justified by these considerations. In the present state of Canada, feeling it to be our painful duty to propose the suspension of the power now possessed by the representatives of the inhabitants of the colony, we are compelled to recommend to the House that it should invest the governor-general, now about to proceed to the colony, with powers of the most arbitrary, and, I believe, most unprecedented description. I do not think, considering how long the disputes in Canada have been going on, how many professions have been made by different Governments entertaining different opinions of a desire to redress the grievances complained of by the Canadians—considering all these circumstances, I do not think it would have been fit or proper to have called upon this House to consent to a measure of such coercion as this unless we had been able at the same time to give some account of the means by which we might, at no very distant period, be enabled to return to a more constitutional form of government. I feel this, that if I had not had the honour of being a member of the Government of her Majesty, if I had merely had a seat in this House as an independent Member of Parliament, and if I had been called upon simply and shortly to suspend the constitutional privileges of the Canadas, to that proposition, even though it were brought forward by the Government in which I had the strongest and the best-founded confidence, I for one could not have assented. I judged then, of the opinions of others by my own. I say that it is not only necessary to show to Parliament that the present constitution of Canada, in the present unhappy state of that province, cannot be made to work advantageously, but it is further necessary to show that in suspending that constitution, to enable us to meet the exigence of the moment, we have a hope at no distant period of returning to a constitutional form of government. Because I agree with the right hon. Baronet, that if that hope had not existed, if I thought that the great body of the Canadian people were entirely alienated from this country, I should say, that the only question for us to consider would be how a final separation could be effected in such a manner as not to sacrifice the interests of the British settlers in the province? I believe that permanently to maintain our authority against the will of the great body of the people is altogether impracticable, and that in attempting to do so we should be driven to acts of harshness and of oppression, which would lower the high character of this country to the level of those powers whose oppressive proceedings so often form the subject of declamation in this House. I believe that the endeavour so to govern the colony would be attended with the constant risk of involving us in war; and if a war should occur, would greatly aggravate its dangers and calamities. Upon thus looking at this subject, it must be obvious that it is not only necessary that we should conciliate the great body of the Canadians to our rule, but it is necessary to do this to that degree that they may be induced to return as their representatives those who would concur with us in carrying on the government of the province according to the forms of a free constitution. In the next place, I differ from the right hon. Baronet, and also from my right hon. Friend, the Member for Coventry—of whose very able speech last night in general I approve,—as to the opinion they expressed that had the act of 1831 been passed in a different form—as proposed by the previous Government, by first assigning a civil list to the government of the colony, those dangers and difficulties we have since experienced would not have arisen. [Sir *R. Peel* had not expressed any such opinion.] I beg the right hon. Baronet's pardon. I understood him to have objected to our surrendering the revenues imposed by the act of 1774 without having previously obtained a civil list. I know that my right hon. Friend did go at some length into that subject, and as I also thought did the right hon. Baronet; but I have certainly misunderstood him, and I beg the right hon. Baronet's pardon. But upon that subject I will make this remark—that I do not understand how the difficulties of our present situation could have been avoided by any line of policy which would not have led to an accommodation between the House of Assembly and the executive authority. I believe that in any country existing under the form of a representative government, where there is a permanent and determined hostility between the representatives of the people and the executive authority, such a state of things must, sooner or later, lead to a result similar to that which we have lately unfortunately witnessed. I believe that the representatives of the people must have so much power put into their hands, that if they are not reconciled to the authority of the government, they must necessarily and inevitably drive that government to overstep the acknowledged privileges and rights of the representative body. And when that state of things arises, the representative body, if fairly elected by the great body of the population, will be supported in its rights, and will be supported even so far as in a recourse to force by the body whom it represents. Then, Sir, I say the problem which is to be solved, if we are to retain possession of Canada, is this, how are we to re-conquer, not merely the country, but the affections and hearts of the people; the affections and confidence of the people to this extent, that their representatives in Parliament shall concur with us in carrying on the government. That, I say, is the problem which is to be solved, and in my opinion it is one which in the present state of Lower Canada is certainly of great difficulty, but I do not believe it to be impossible. When we look at the interests of all parties, when, particularly, we look at the interests of that party by which the majority of the House of Assembly has been supported, we cannot help being impressed with the conviction that to them more than to ourselves the connection between the two countries is of the greatest possible importance. If their peculiar laws and manners be the objects for which they are contending, no man, certainly, can doubt that if the protection of this country were withdrawn, surrounded as they are by a large population of a different race, a change far more violent, more sudden, and more sweeping than that which will probably, at all events, take place would inevitably be their lot. When we look again at their commercial advantages, resulting from the preference given to them by us, I cannot help thinking that those advantages are far beyond any which this country can derive from the connexion. Nor, Sir, do I see in the events of late years any proof that the Canadian people, or even a majority of those who have taken an active part in the unfortunate disturbances in Lower Canada, are insensible to those advantages. We know that a little more than twenty years ago the Canadian people did give the strongest and most undoubted proof of their loyalty to this country. I see no proof that these feelings are changed; although the majority of the House of Assembly have, by means certainly most injudicious and faulty, insisted upon accomplishing many alterations and many changes, some of them undoubtedly indefensible. At the same time no man in this House has attempted to deny that the conduct of the House of Assembly was justified in the earlier stages of this controversy by the real grievances they sustained. A great proportion of those grievances have been redressed. But it is not denied that further reforms in that country are required. Upon the most important topic of all, that which has been the ostensible cause of the rupture between the House of Assembly and the mother country, the state of the Legislative Council, upon that very point that some reform is necessary, has been admitted. I think that the House of Assembly have demanded a description of reform which, if conceded, would be most mischievous and most injurious. But the Commissioners whom we sent out to inquire into the state of Lower Canada, and the right hon. and learned Gentleman (Sir E. Sugden) in the very able speech which he made a few evenings ago, and the resolutions which both Houses of Parliament have adopted—all these authorities have established the fact, that even with respect to the Legislative Council, some reform is required. Unhappily the House of Assembly, instead of allowing the possibility of effecting such a reform to be fairly and temperately discussed, instead of allowing us time, after having received information upon the subject, to consider in what manner that reform might be effected, did themselves make certain propositions for accomplishing it, and insisted upon the adoption of one particular plan, to which just objections were urged by a large part of the population of the country: and that particular plan being rejected, they proceeded at once to the extreme course of depriving the Government of the pecuniary means of administering the affairs of the colony. Such has been the cause of the unhappy result that has been witnessed. But, for my part, I am willing to believe that even to the last, separation from this country was not the object of any considerable number of persons in that colony. I firmly believe that they have been led on from one step to another, not very accurately considering what were the meaning and tendency of the measures they were adopting, hoping, possibly, to intimidate their opponents into compliance with their demands, and acting upon that feeling of excitement which is perhaps constitutional in the race to which they belong. I believe they have gone on in this manner till they produced a state of things in which any spark might, as it did, produce a conflagration. I believe that we should judge more correctly in attributing their conduct to this cause than to any settled intention of endeavouring to break the connection between this country and the colony, and, at all events, I am convinced that it is the wiser course to act upon that assumption. If we were to treat the Canadians as we should treat them under the assumption that a great body of the people were disaffected, my opinion is, that such a course of government would very speedily engender that hostility upon the presumed existence of which it was adopted; whether it now prevails or not we should soon create the disaffection of which our conduct implied our belief. Perhaps it may be asked — indeed, the hon. and learned Member who has just sat down has asked, if this is the case, if there still exist grievances, why do you take such measures as you recommend to the House? why not rather attempt to redress those grievances and effect those improvements in the constitution of Canada which you admit may be requisite? In answer to the hon. and learned Gentleman I have to observe, that unhappily there has been in Canada not merely a controversy between the executive Government and the representative body, but there have been great differences and great animosities between different classes of the population; partial measures, therefore, would now do no good if we attempted to satisfy one class we should only exasperate the other. For the well working of a constitutional government it is necessary not only that there should be harmony between the representative body and the executive authority, but it is further necessary that the different classes of the community should be prevailed upon—I do not say to lay aside their party differences, because in every free Government party differences, I believe, must and will prevail—but to have some degree of tolerance for each other, so that their differences may be discussed, and their disputes decided by peaceable and constitutional means. This is necessary with a view to the working of a free constitution. It is therefore requisite, not merely that we should do that which is just towards one party in Canada, but that we should so frame our measures that they should obtain the acquiescence of the great body of both divisions of the population. I do not believe that it is by any means impossible to arrive at that acquiescence. If we look at the demands of both parties we shall find that there is in what both of them have asked much that is reasonable and also much that is unreasonable. The English party on their side have, in the first place, complained, and loudly complained, of the spirit of the legislative measures adopted by the House of Assembly on all matters of a commercial nature. They have said, justly or unjustly, that the majority of the Assembly has been indifferent to the interests of commerce and to the development of the natural resources of the country. They have said likewise that the present state of the representation of the province is one by which they are subjected to unfair legislation, and they demand that the mode of constituting the House of Assembly should be changed. They further demand relief from the oppression of the feudal tenures, and greater security and facility with respect to the transfer of landed property. They, lastly, demand—and this, perhaps, is one of the most important items of the whole list—that the chief officers of the Government, and more especially the judges, should be rendered independent of a popular assembly, by having granted to them fixed and permanent salaries. On the other hand, the Majority of the House of Assembly have insisted upon a great and extensive change in the constitution both of the Executive and Legislative Councils. They have demanded that the government and the public servants should be made directly responsible to the House of Assembly. They have demanded that the whole revenue of the province should be appropriated by the House of Assembly; they have also demanded the repeal of certain Acts of Parliament, together with various other matters. Sir, I confess that, upon calmly looking at the substance and nature of these various demands, it forcibly strikes me, that there is nothing in them on either side which should forbid the hope of their being so modified, by means of friendly discussion and impartial consideration, that they might be settled with the concurrence of the great bulk of the people. For instance, with respect to the measures of legislation adopted by the Colonial Legislature in reference to the interests of commerce, it appears to me that some change is absolutely called for, not only for the sake of the lower province, but also for the sake of the upper province. Hon. Members are aware that a petition was presented to this House, and that a joint address from the House of Assembly and the Legislative Council of Upper Canada was presented to the Crown, complaining of the difficulties imposed upon them in consequence of the want of free access to the ocean: and, in a subsequent address, that Assembly proposed, by way of remedying the evil, that the Isle of Montreal should be annexed to the upper province. My right hon. Friend (Mr. Ellice) some years ago, as he last night stated, suggested the union of the two provinces. Both those measures might be justly objectionable to the party which have composed the majority of the House of Assembly in Lower Canada; but I, for one, believe, that much could be done to facilitate the future settlement of the difficulties in Lower Canada, and much to promote the interests of both provinces, if from the two Legislatures, leaving to each of them separate authority on all matters of purely domestic concern, some joint authority could be formed for the purpose of regulating all those matters in which they take a joint interest. The right hon. Baronet has said, that to some measure of that sort he himself is not indisposed; and he thinks that some such union might be highly desirable, but that it should comprise all the provinces of British North America, or, at least, not exclude the other provinces. I entirely concur with the right hon. Baronet in that opinion. I would, upon no account, prevent the other provinces from being included in such an arrangement, but the immediate pressure of existing difficulties is as regards Upper and Lower Canada only. The Act of 1791 applies only to Upper and Lower Canada, and any changes which are to take place in that Act seem to me, therefore, a subject calling for the peculiar consideration of those who are interested in those two provinces. In the same manner, with respect to reforming the Legislative Council, also, I do believe, that the House of Assembly itself might be made to see the inconvenience and disadvantage which would result from creating a second body that would be the mere echo of the Assembly, and the members of which would probably be running a race for popularity with the House of Assembly itself. But I do, at the same time, believe, that a very extensive reform in that part of the Canadian constitution is requisite; and I believe, also, that if this part of the constitution, as well as the state of representation, as affecting the interests of the English inhabitants of the province, were considered together, a fair settlement upon those subjects would be likewise practicable. In like manner, in regard to the responsibility of the public servants of the province to the House of Assembly, I am of opinion that an arrangement might be made. The hon. Member for Bridport last night argued at great length to show that this responsibility is inconsistent wish the maintenance of the authority of the mother country, and that this was a point which the House of Assembly had earnestly insisted upon for this very reason, meaning by so doing to ask for a separation from the mother country, which they could not with safety venture openly to demand.

I am very far from concurring in that opinion. The hon. Member must be aware that this is a demand on the part of the House of Assembly only very recently preferred. I believe that the Canadian people and the House of Assembly might be very easily reconciled to the difference existing between the responsibility of the officers of the colonial government and the responsibility of the imperial government, which a colonial relation necessarily implies. If the Governor is to be responsible to the Crown and to Parliament, it is impossible that the officers who serve under that Governor should also be responsible to the local legislatures, as the Ministers of the Crown in this country are, to the imperial legislature, because responsibility necessarily implies power, and if the Governor is not to exercise any more direct authority than the Sovereign in this country, and if a greater personal responsibility is not to attach to him, the whole notion of a colonial administration would be destroyed. Such a system would be entirely irreconcileable with the idea of the proper relation between a colony and the mother country. But the real object for which the responsibility of the servants of the Crown exists in this country, that namely of affording the people a security for good government, may be attained, and is practically attained, in the colonies by another mode. It is true that the public officers, who are under the orders of the Governor are not immediately responsible to the Legislature, but, on the other hand, the Governor is responsible to the Crown and to Parliament for his acts; and if the Governor should pursue a course of government in a manner not in accordance with the feelings of the great body of the people, they have their appeal not against his subordinates, but against himself, by an address to the Crown and by petition to the Imperial Parliament. Neither the Crown nor the Parliament has shewn itself indisposed to entertain such an appeal from the Canadian people or from other colonies. Great disputes and much bad feeling have been excited by carrying on the discussion upon this point in general and ambiguous terms, and not ascertaining clearly and precisely what the House of Assembly meant to ask, and what the last House of Assembly of Upper Canada also asked, when they demanded the responsibility of the public servants. I believe what they really require is security for good government and that this demand is attainable by their having the power of complaining of the acts of the governor, and also by erecting, what all parties have admitted to be necessary, a court in Canada for the impeachment and trial for misconduct of all public officers subordinate to the governor. For positive misconduct and malversation in office there ought to be some tribunal in Canada before which the public servants may be impeached. In the same manner I do believe that the dispute which has run so high about English and French law, with respect to landed property and feudal tenures, might be arranged. I believe that this dispute is mainly attributable to the general language used. I believe that the English inhabitants have felt, and seriously felt, that there is fault in the French system of law; but I believe on the other hand—indeed, it was admitted last night by my right hon. Friend, the Member for Coventry—that the violent, sweeping, and the rough changes made by the Tenures' Act have occasioned very considerable suffering to the French inhabitants of the colony; and I feel firmly persuaded that if, instead of clamouring on the one side for English law, and on the other side for French law, the two parties would combine and endeavour to concur in adopting some system which will secure the merits and advantages of both laws, providing a simple method for ascertaining to whom landed property belonged, and a cheap and expeditious mode of effecting the transfer of that property, no repugnance would be felt either on the part of the French or the English Canadians. Again, with respect to the civil list and the surrender of the revenues, I think, in spite of all that has taken place, in spite of all the disputes that have arisen as to whether the House of Assembly has fully acted up to what was expected from it when the Act of 1831 was passed, there would be no real indisposition on either side to provide and enact permanent and fixed salaries for the chief officers of the Government, and for giving up the remainder of the revenues to the Canadian legislature. Upon looking back to the history of these transactions, I think I can see causes for the failure of the arrangement proposed to be made in 1831, which are quite consistent with this supposition. I believe there was a misunderstanding on both sides as to what was really intended at that time. If, then, these apparently conflicting interests do admit of a compromise, and I think that such a compromise might be effected, is it not most desirable that such a course of policy should be adopted? I have, perhaps, gone more minutely into these points than some hon. Gentlemen may conceive to be necessary; but I have considered it right to do so, because, in my humble opinion, we are only justified in passing this Bill upon the conviction that there are good grounds for hoping to arrive at that compromise. I have gone into those particulars in order to show that there is nothing irreconcilable in them with practical policy, nothing which can prevent the adverse parties from coming to such a mutual compromise. If, then, such a compromise as this is to be made, the question is how are we to arrive at it? In my opinion the way we can arrive at it, and the only method by which we can do so, is by bringing together—I do not say formally, representatives of the two provinces—I do not contend that by the instructions on the table is meant a full and fair representation of the people of Lower Canada (as was last night supposed to be the case by the right hon. Baronet); but, in my opinion, I repeat, the only practical mode of arriving at such a general adjustment of the disputed questions is to bring together fairly and deliberately, to discuss these matters, a certain number of persons who represent all interests in the two provinces. I believe, under the mediation of the Earl of Durham, who cannot be suspected of having any interest on one side or the other—whose only possible object must be, and is, to do full and fair justice to both parties—that we may be able, by a discussion of that description, and by such persons, to devise a general project for settling all these disputed points, and that a scheme may be drawn up for the consideration of the Imperial Parliament for accomplishing so desirable an object. I do not say that this can be done at the present moment, because there must be time for allowing angry passions to cool and men's minds to subside from the recent excitement; but I do believe that, in a short interval of time such a meeting of persons as is sketched out in the instructions which are before us might lead to the proposition of a general scheme of compromise such as I have ventured to suggest. If that should be the case, and if a plan of that description should be brought under the notice of Parliament, I cannot for a moment believe that this House would not gladly and unhesitatingly give its authority to a Bill for accomplishing that arrangement. We can have no interest in doing otherwise, and I can assure the right hon. Baronet that it gave me the truest satisfaction to hear this evening the exposition of his opinion as to the terms upon which alone a union between the colonies and the mother country is desirable. I fully and unreservedly subscribe to that opinion, and I believe that upon those terms such a union might last for almost an indefinite series of years; and that when that union should terminate, it would terminate only because, from our being restrained within comparatively small limits, and from the almost boundless space which is left for the increase of the population in Canada, a time must necessarily ultimately arrive when the relative magnitude of the two nations would be altogether changed, and the relation of a mother country and a colony with respect to them would be practically absurd. These are my views, and having stated them, I say that it was not impolitic, that it was not improper, that the instructions addressed to the Earl of Durham should be laid upon the table; because it is not sufficient that the Government should entertain these views, it is not sufficient that you should have liberal intentions towards your Canadian fellow-subjects, but it is necessary when you are coming forward with a measure which upon the face of it is one of great severity and coercion, that you should with equally public and formal means show, both to the people of this country and of Canada, what are your ultimate views and intentions. The right hon. Baronet has said, that by the instructions on the table my noble Friend, who is going out as the Governor of Canada, will be fettered in the discretion reposed in him. If the right hon. Baronet will more accurately read those instructions, and weigh the expressions in them, I think he will find that the largest and most ample discretion is left to the Earl of Durham. I know this, at least, that it was the intention of the Government, by whom those instructions were issued, that the utmost latitude of discretion should be given to the Governor-general. I may also allude to the objection which has been urged by the hon. and learned Member for Southwark. He says that we fetter the discretion of the governor in another and most material point, and he observes that it may happen that Lord Durham may find things, when he arrives in Canada, in so tranquil a state, that men may have so much recovered from past excitement, that there may be no necessity for adopting an extreme measure of coercion; and therefore it would be better that we should not make it imperative upon him. Now, has the hon. and learned Member considered how ungracious a task he would thus throw on the Earl of Durham? Would it be fully consistent with the nature of the mission that he is going upon? Would it contribute to the success of his high undertaking, that the first act almost on his arrival in the colony should be that of declaring, upon his own opinion and responsibility, the necessity of the suspension of the constitution? I am sure if the hon. and learned Gentleman considers it in this point of view, if he regards how invidious and ungracious a task this would be on the part of a governor sent out on a mission of conciliation, he will not wish the Earl of Durham to be so empowered. But I agree to this extent, however, with the hon. and learned Member, that it is possible, at an earlier period than we anticipate, and before those measures which Parliament may be called upon to effect are passed, for us to return to a constitutional form of government; and with that view, and for that purpose, we had introduced the clause to which the right hon. Baronet has stated his intention of objecting. We proposed that if this fortunate state of things should exist—if contrary, I must admit, to all reasonable expectations, it should be found that the House of Assembly could without danger be called together before Parliament had legislated upon this subject, upon the recommendation of the governor, the Crown and the Privy Council might be able to revive the privileges which are at present to be put in abeyance. This is what we proposed by the bill as it stands: and I must say, after all that has been stated, that I do not conceive that there is anything wrong or unreasonable in the proposition. Parliament has frequently intrusted the Crown with the discretion of adopting a particular line of conduct in the event of a certain contingency arising. I believe even our constitutional jealousy with respect to the power of taxation has not prevented the Parliament from authorising the Crown, in retaliation for acts on the part of foreign powers, to augment the duties on foreign goods and foreign shipping. But, at the same time, though I do not think that there is anything unreasonable or unconstitutional in the proposition we have made, yet I feel that there is so little likelihood of its coming into practical operation—that the chances are so infinitely against its being prudent to authorise the meeting of the Canadian legislature until Parliament shall have re-considered the act of 1791—that there is so extremely little probability of this—that I do not think the practical consequence of this clause is at all deserving of consideration. I, therefore, cordially subscribe to the decision of my noble Friend, and I think for the sake of unanimity that the clause should be omitted. I am afraid, Sir, that I have, perhaps, entered into more details than in the present stage of the debate was altogether convenient; but my excuse is, that for many years I have taken the deepest interest in, and watched with the greatest attention, our Canadian colonies. I did so even before I was in office at all; and having for upwards of two years had the pleasure and the happiness to assist in conducting the affairs of the Colonial-office, under my noble Friend, Lord Ripon, my attention was then, of course, more earnestly directed to all our possessions; and I became from this circumstance more strongly interested than before in the welfare of Canada in particular. Perhaps, Sir, I may in consequence have been induced to take a view of the differences which have existed more favourable to the great body of the Canadian people, and I may sympathise more with them than is altogether popular in this country; but, be this as it may, I have thought it right in supporting the views of my noble Friend near me candidly to express my real feelings to the House.

Mr. *Hume*, after the explanation which had taken place, only wished to state that in the views which the right hon. Baronet opposite (Sir R. Peel) had propounded for the first time in that House as to the manner in which Canada should for the future be governed, so far as he understood them, he entirely concurred, and from what he knew of the sentiments of the people of Canada they would be perfectly content with them, and if they were only acted upon he was sure that they would be anxious to preserve the connection with this country, and he was equally satisfied that if they had been only heretofore acted upon the present difficulties never would have arisen. With respect to the noble Lord's (Viscount Howick's) reference to the period when he took an active part in the Colonial-office, he (Mr. Hume) was bound to say, that he had been the means of communicating addresses of thanks to the noble Lord from almost every province in Upper Canada, and that the Canadians only required to be treated upon the principles which had been that night avowed to become willing supporters of the connection with the mother country. He must be permitted to observe also, that the bill which he and some other hon. Members opposed on its first reading was of an entirely different description to that which they were then called upon to discuss. He had on the first introduction of the bill avowed his opinion that such was the state of the colony, that strong measures were absolutely necessary, and that he was most willing to place ample power in the hands of Lord Durham; but he was also anxious that he should not be restricted by any particular instructions from the Colonial-office here. He was satisfied that if the instructions of that office were acted upon, it would be impossible for the noble Lord to carry out the object of his mission to the Canadas with credit to himself or with advantage to this country, for he was convinced that to send out that noble Lord so placed, would be most effectually to tie his hands. By the first bill it was proposed that from its passing till the 1st November, 1840, the Canadian constitution should be entirely suspended, but by the bill then before the House the constitution was not suspended, but a power was given to the governor-general to suspend it if he should think it necessary, being something to the same effect as the power which he had recommended, and which was contained in the Irish Coercion Bill. By the alterations which had been made the object which he had in view had been entirely effected; and he would, therefore, only ask whether it was intended that the powers conferred by the bill as it then stood were to be executed by Sir John Colborne or by Lord Durham only? If they were to be executed by Lord Durham only, he had only two more words to say, and then he would offer no further objection. In the next to the last clause, where it was stated that this act "shall be proclaimed," he wished that the word "may" should be substituted for "shall," so that it should not be imperative on the governor to make proclamation of the act unless he should, in his judgment, deem it necessary. But he must again ask the noble Lord (Lord J. Russell) whether it were intended that the governor of Canada for the time being should make proclamation of the act? If he rightly understood the powers conferred by that act, the governor need not, in the exercise of the prerogative, call together the Legislative Assembly till May. There was no necessity for great haste, and he should be sorry to see the despotic power granted by that act—for despotic it was in every sense of the word—exercised by any person but Lord Durham, to whom he had no objection to confide it.

Lord *John Russell* said, that it was the intention of the Government, if this bill were passed into a law, to enable the lieutenant-governor for the time being to use the powers vested by this bill in the governor. There might be many measures which it would be necessary to take at once in order to secure the peace of the province, and which might render it inexpedient to delay the exercise by the lieutenant-governor of the powers with which he would be invested till the arrival of Lord Durham.

Mr. *Ward*, having on a former occasion stated his acquiescence in the general principles adopted by her Majesty's Government with respect to the affairs of Canada, would not on the present occasion have troubled the House with any remarks, had he not been particularly referred to by the right hon. Baronet (Sir R. Peel), and the right hon. Gentleman, the Member for Coventry (Mr. Ellice), as being one of the Members who had rested their support of this bill upon the principles involved in the words of the preamble then proposed to be omitted. He had certainly attached great importance to those words, because they would go to satisfy the Canadian people that the colony would be governed upon principles worthy of this great country and of an enlightened age. To these sentiments he still adhered; but if, adhering to them, he were asked whether he would object to obtaining the unanimous vote of that House, or would oppose the withdrawal of the words in the preamble he would at once say that he would not; because he believed that the right hon. Baronet was strictly and technically right in the proposal which he had made, and that it was contrary to what was perhaps the wise custom of the Parliament to introduce words into the preamble of a bill which were not followed out by any enacting clause in the body; and in reference to these words of which he approved in the present preamble, there was not any clause in the body of the bill then before the House; but if ever there was a time in which he should have thought that the right hon. Baronet would have waved any objection founded merely on a reference to principles and to form, for the sake of obtaining the unanimous support and concurrence of the House it was the present. He would only add that when he had on a former occasion expressed his concurrence in the general principles acted upon by the Government, he had not seen the bill proposed. Of course, therefore, he did not know the words of the preamble, or what would be the amendment proposed by the right hon. Baronet; he had founded his expression of approbation on the statement made by the noble Lord, the Secretary for the Home Department, which expressed most fully the intention of the Government and of Parliament to redress the grievances of the Canadians, on account of which he waived the objection which he entertained to the harshness and despotism of the provisions of the present bill. He looked to the dictatorship of Lord Durham as the shortest, surest, and safest road to the restoration of peace and tranquillity. He had no wish to prolong the unfortunate state which had arisen in the colonies; he could not without great regret behold the sufferings of the unhappy peasantry, who had been basely deserted by their leaders in the struggle into which they had been betrayed, and who had used marbles against bullets: he could not regard without much feeling the dreadful contest which had been carried on, nor the tyrannical spirit which had been there exhibited by the leaders of the revolt; and he could not, therefore, say, that the dictatorship of Lord Durham would not be of great benefit. He thought that the course which that noble Lord would be compelled to adopt, aided as he would be, if necessary, by the opinions of the colonists assembled in a convention, would be the shortest and the speediest road to produce future happiness to the Canadians.

First Clause agreed to. On the second Clause being read,

Sir *E. B. Sugden* rose to propose an amendment. He thought that it was desirable that the House should know what were the real powers of the Bill. He had understood from his Friends around him that the noble Lord had last night proposed the committal of the Bill *pro formâ*, merely to introduce some verbal amendments, but he must say, that he never saw a bill come out of a Committee, in which there had been a regular contest, with more extensive or more important Clauses introduced. And he was sure that no person who had not a great legal knowledge was capable to form, on the sudden, an opinion as to the precise operation and the distinct effect of the Bill as it then stood. In the colony, as it at present existed, there was an executive council, as a kind of cabinet or privy council, assisting the Governor; and he (Sir E. Sugden) could see no provision in the present Bill for taking away its powers. The noble Lord was then, by his instructions, to form a sort of convention, to consult and advise with him as to the establishment of a new constitution; and by the clause then under discussion, the Governor was to form what was called a Legislative Council, also for advice. He hoped that the noble Lord was not impatient of advice. The power of the noble Lord was much extended by the alterations which were made last night. As the Bill originally stood, he was not to touch the clergy reserves, nor was he to interfere with the feudal tenures, nor with free and common soccage; he was to have no power of regulating subjects of such delicacy and difficulty; and he was to have only so much authority as was necessary for the local government of the colony till Ministers had fixed the terms of the new constitution; but as the Bill stood, subsequent to the alteration, the Governor was to assume all those powers. The true rule by which, in his opinion the House ought to be guided, was to exclude from the absolute control of the Governor all those questions, the remedies for which must, from their peculiar nature, be laid upon the table of that House after their adoption; and, if it were necessary to come before the Imperial Parliament at all, they had much better call upon it to legislate directly upon those questions, and that they should not enable the Governor to do anything definitely, except such as was required for the local, urgent, and necessary conduct of the affairs of the colony. He begged the House also to mark well the difference which existed between the present Legislative Council and that, which, by the Bill then before them, it was proposed to adopt. Now, the Crown had power to select the councillors, and their number was confined to seventeen, but by the Bill the number was unlimited ; and, instead of the Crown, the Governor would virtually have the power of nomination, for such was the effect of the enactment which enabled "her Majesty by any Commission or Commissions, to be from time to time issued under the Great Seal of the United Kingdom, or by any instructions under her Majesty's signet and sign manual, and with the advice of her privy council, to constitute a Legislative Council for the affairs of Lower Canada, and for that purpose, to appoint or authorise the Governor of that province to appoint such and so many Legislative Councillors as to her Majesty should seem meet, and to make such provisions as to her Majesty should seem meet, for the removal, suspension or resignation of all or any of such councillors." The body thus created would by no means answer the character of a Legislative Council, for its province would be, not to legislate, but only to advise. He did not like to see the name of the Legislative Council continued in the Act as applied to the new body, the character of which was, in fact, entirely different from the council which had hitherto existed. If the constitution of Canada was to be suspended for a time only, he thought it would be better to make the Act providing for the suspension applicable to that time. He should submit, therefore, that it would be advisable to strike out of the Act the name of the Council proposed, as it at present stood, and to substitute for it some other title more applicable to its real character.

Mr. *Warburton* was of opinion with the right hon. and learned Member, that the designation of the new Council was unfortunately selected, because, first of all, he thought that it was likely to create confusion with reference to the Council which had up to this time been in existence ; and, secondly, because he thought the name was most unpopular in Canada. If he had been desirous of appointing a body of this description, he would not choose the most unpopular name he could discover to give them.

Sir *George Grey* would beg, in answer to the observations of the right hon. and learned Member opposite, to state that there had not been any substantial alterations made in the bill last night. With regard to the clause in which the term Legislative Council had been employed as descriptive of the body proposed to be appointed, that term had been used really with the intention of expressing, that the Council should be a Legislative Council, and that its duties should consist in passing laws, and that it should not exercise the functions of an Executive Council. He had no objection whatever that any other word less unpopular, or which might be considered more appropriate should be inserted in the Bill, instead of that which now stood in it. Any observation of the right hon. and learned Member opposite, with regard to the members and functions of the Council was worthy of the attention of the House, and would be extremely useful when the question of the establishment of a permanent council should come to be considered. The new council, however, was an extraordinary one, and it was intended to leave all the responsibility entirely with the Governor-general, the initiative power being reserved to the Governor, as in New South Wales and other important colonies.

Lord *John Russell* suggested the introduction of the word "special," in lieu of the word "legislative."

The substitution of the word "special" for the word "legislative" was agreed to, and the Clause was ordered to stand a part of the Bill.

Lord *Stanley* said, that before the House went into the consideration of the next clause, he wished to make some objections to its provisions, which were not of a nature so purely verbal and technical as that which had been offered to the section last before the House, and to which he sincerely hoped the Government would be induced to accede. On looking at the Bill as last printed, with reference to the powers given to the Governor-general (it was all very well to talk of the Council, as a matter of courtesy, but in reality everything rested with the Governor, who was dictator) he thought that they were of a nature far too large and comprehensive. The Council was, no doubt, a very decent appanage to pass the laws of the Governor in Canada, but it occurred to him that, as to the House of Assembly, there were other parts of the constitution which should not have been altered by this temporary Act. He had been induced to bring forward this objection because the Bill gave to the Governor and the Council, only the power to make such laws as the ordinary legislation of Canada before allowed, and so far it provided that the Governor should not have greater power than under the ordinary constitution; but it was, in his opinion, open to serious question whether he ought to have the same power. There might be some subjects on which it was proper that the colonial legislation, should agree on the measures to be passed with regard to local affairs, but on which it would be improper to trust a single individual to legislate. It was no answer to say, that the House of Assembly could not pass any Act inconsistent with the Acts of the Imperial Parliament. As a general rule, it was true they could not; and they could not permanently alter the constitution of the colony, or alter the functions of the constitution, many of the great points established by the act of 1791; but there were some provisions in respect of which special power was given to them to act even in reference to the enactments of Parliament itself, and to these he desired to draw the attention of the House; for he took it that the real principle to be adopted, in order to prevent anarchy and confusion in carrying on the government, was, that the governor and his council should not be entitled to make changes in the established law of the colony. There were two or three subjects especially which required consideration. With regard to two of them provision was made by the act of 1791 for the continuance of the rights of the Roman Catholics who were found already established in that religion, pursuant to the treaty; and a provision was then also first made for the protection of the Protestant church in Lower Canada, but authority was given to the Assembly to alter both these provisions under certain restrictions. These restrictions were, that the assent of the governor should be obtained to the Bill, and that copies of it should be transmitted to England, and laid before both Houses of Parliament for thirty days, when, if no address was made to the Crown, the royal assent to it might be obtained. But the third point was one of infinitely greater importance—the tenure of lands, with respect to which there was no such restriction. There had been no question which had excited so much difficulty, and acrimony, and difference of opinion between the different races of the people of Lower Canada, and on which so much jealousy had existed, and on which it was therefore necessary to act with much discretion, as this. By the act of the 1st of William 4th, powers were given to the local administration in Canada, very properly, no doubt, to alter not only the tenures of lands, but also the incidents arising out of them. This might be very desirable for permanent and local legislation, but it was highly improper for a governor sent to the colony for three years only to be empowered to make alterations in the law upon such a subject as that. But yet without regard to this, there was no restriction whatever on the governor; and though he had no wish or intention whatever to throw out any insinuation against Lord Durham, whose conduct he believed would be most just and impartial, yet he could not but think that it was going too far to intrust him, a single individual, with powers so extensive and so important, and he thought that no one should have the power by his own mere act and authority to alter the whole of the law affecting real property in one of the most important colonies attached to this country. If ever there was a subject which should not be left open to the entire control of an irresponsible authority, this was one. He was not prepared to suggest any precise form of words to carry this into effect, but he thought that they might easily be supplied, provided the Government would adopt his proposition. His only object was, to restrain the power of the governor and council to alter, repeal, or suspend any provisions of any act of the British Parliament, or any local act; and he thought, that a specific amendment might easily be provided.

The *Solicitor-General* observed, that the argument of the noble Lord was in effect that it would be dangerous to empower a temporary government to make other than temporary laws; but he would call on the House to consider whether it would not be attended with much more difficulty to themselves to send out a governor with dictatorial powers, and to say that on certain subjects he should have full authority, but that on others they felt they could not trust him, and therefore they must abridge his dominion.

Sir *W. Follett* did not think, that the learned Solicitor-General had given any answer to the observations of the noble Lord, or that the difficulties which he had suggested ought to have any weight with the House. He understood the objection of the learned Gentleman to be, that the House giving the governor-general dictatorial power must give him the fullest authority on all subjects. But did the act, as it at present stood, do so, or did it not put a restriction on his power? There was now a proviso in the Bill preventing the governor from making any law or ordinance with regard to the constitution of the Legislative Assembly, or with regard to the rights of election. Now, according to the learned Solicitor-General, it was unnecessary that there should be any restriction of the power of the governor, but that did not appear to have been considered in the original Bill. With regard to the alterations which it was alleged had not been made in the Bill, he was prepared to affirm that some most substantial and important changes had been made. Under the Bill which was now lying on the table the governor had the power to make laws upon any subject, and his authority was much more extensive than that which was before proposed to be given to him; and although it was now said that there was no intention to restrict the powers of the governor, yet the proviso said there was. In the original Bill, the governor had no power to repeal or alter any act of the Legislative Council, but now he had the authority to do so; by the original Bill his power was confined to making laws for colonial legislation, but now in certain cases the assent of the Crown was requisite ; originally it was proposed that he should have the power, without any check, of legislating for the colony, but now he had that power only joined with the colonial legislature. The provisions of the statute of 1791 required all laws which were made in the colony referring to certain matters to be subjected to certain examinations and tests, by which the whole country would be made aware of their purport; but now they were to be made in secret by the governor, sent home to be submitted to certain tests, it was true, but to such tests as that the Canadians might be in utter ignorance of their purport until they were returned to the colony as laws, and were promulgated to be forthwith put into operation. The question was, then, whether the House would intrust an individual temporary governor only with a power which was, in fact, absolute, but which they had granted to former legislative bodies only accompanied with certain restrictions? The question with regard to the Canada Tenure Act of 1826, was equally important, and the local legislative government had certain powers to alter and amend that statute. Was there any reason why the Governor should have any or either of these powers? He had intended to move an amendment, taking away from the Governor the power of interfering with the laws in any manner whatever, and he thought the simple fact that the laws made by him would be temporary only, was decisive as to those referring to tenures of land, and he could not conceive the reason for which the power of altering the laws on that subject was given to the Governor. It did not fall within the test proposed by the Secretary for the Colonies. It was not a question of local police, or affecting the affairs of the local government. If any alteration in the law of tenures was made it must be permanent, and not such as might be in operation for three years only; and therefore he saw nothing in the Bill or its objects to make it consistent to give the Governor any such power as that proposed. He should, in consequence, move that after the proviso in the clause under consideration there should be introduced the words, "or to repeal, suspend, or alter, any provision or any Act of the Imperial Parliament," and there were other acts to which it should also apply, "or to repeal, alter, or suspend any act or acts of the colonial legislature, or any of the provisions thereof."

Mr. *Edward Ellice* agreed with the hon. Member who had just spoken, that it would be unwise to give to the Governor-general of Canada any power to repeal the Acts of the British Parliament, more especially if the laws which he should make were only to remain in force for the three or four years during which he should remain in authority ; but he entertained some doubts on the Clause of the Bill now before the House, and thought that care must be taken that, in imposing restrictions on the authority of the Governor, the interests of the country should not be permitted to suffer. The legislation of the colony had hitherto been of a somewhat temporary nature, as, for instance, the Legislative Council had passed a Bill for the registration of deeds under the Tenure Act; but it was for a limited period only, and would shortly expire; and the amendment proposed by the hon. Member would not interfere so as to prevent the Governor from making any law by which this act might be continued in operation. At this moment the system of communication through the colony was most defective, and if the present abeyance of the law continued, it must be put an end to, or materially injured. Any one who passed through the states of America must be surprised at the excellent system of communication which existed there, as well by means of railways as other communications; but in passing into Lower Canada they would at once be struck with the contrast between the scenes of activity which presented itself in the former country and the total abeyance of anything like industry in the latter. Now all the laws in Canada were to a certain extent temporary, and he conceived that that was a great fault; and he could not help thinking that what had taken place would induce all parties to concur in taking some step which might lead to the procuring for the colony a permanent institution. If the laws continued in their present position, all endeavours to improve the general condition of the country must cease, and any attempt to obtain permission for the construction of a railroad, which was of the greatest importance, or any other great public work, would be useless. It had occurred to him, therefore, that it was better to permit legislation to go on, however it might be restricted; he had no objection to any restriction and he would be content even if it should be said, that any act to be passed should, before its being carried into effect, be transmitted to this country, and should lie on the tables of both Houses for thirty days. When it was necessary to pass an act, he did not see any objection to let it remain in force till it was repealed by the Legislature. If they reserved the control of these knotty points to the Parliament of this country, many difficulties which presented themselves would be facilitated. He feared that if they allowed the objection to remain which he had stated, the people would say, that they were deprived of their Legislature, and they had not the means of carrying out local improvements as the other provinces. He did not, however, intend to propose this to the House as an amendment; he had some doubts on the subject, but it was right that the difficulty should be felt and stated. He only stated the practical grievance that would be felt in the country; and if they passed a Bill which suspended the constitution of the colony, and deprived the local legislature of their powers, they should make some other provision. He knew that this was a subject which would press itself on the consideration of the British inhabitants of Canada. It was a remarkable fact, that while the inhabitants of Upper Canada had improved the navigation of the river St. Lawrence, from the rapids of Niagara to the boundary of the lower province, nothing had been done by the legislature of Lower Canada for that purpose, although they had promised to do something. Certainly works had been commenced for the formation of the harbour of Montreal, and a beautiful quay had been formed on its banks; but this could not be finished for the next four years. The means, however, of carrying on the works were derived from money borrowed by the Legislature of the Lower province, nor could the Governor borrow money to complete it? It would be inconvenient to let the matter stand over, for the proposed new legislative body would for some time have a large mass of matters to legislate on. He had no wish to interfere in any way, or to propose an amendment, but he felt called upon to suggest the propriety of making the restrictions within the narrowest possible limits.

Sir *G. Grey* admitted, that the difficulties they had to contend with were of considerable magnitude; and with respect to those stated by his right hon. Friend, he regretted that they could not be altogether removed consistently with the object of the Bill. He admitted, that it would be highly inconvenient to let the Governor in Council possess the power of making permanent laws, but it was a difficult thing with regard to local improvements. A distinct provision was made by the Legislature in 1832 for public improvements; he therefore did not think that there was any objection to leaving it to the Governor in Council to make appropriations of the revenue to complete the harbour of Montreal. With respect to the amendment of his hon. and learned Friend, the Member for Exeter, he thought that it was immaterial whether it was adopted or not. If, however, it was thought that the adoption of the amendment was desirable, he should be obliged to his hon. and learned Friend if he would give him his amendment, and he would tell him, in bringing up the Report, whether he would adopt it or not. The only objection was, that he doubted whether it was not too large; but he could not tell until he looked into the local Acts. If the amendment of his hon. and learned Friend only applied to the Acts he had stated, there could be no objection to it; but it might apply to others in such a way as to render its adoption inexpedient.

Sir *William Follett* stated, that his only object was to exclude from the operation of the clause the laws which he had stated; he had no wish to exclude from the control of the Governor in council any local matters when some legislation was necessary. He, therefore, would adopt the suggestion of his hon. Friend, and hand over his amendment to his control. It was the opinion of every lawyer with whom he had conversed, that as the Bill stood originally it would give to the Governor power without check or limit to legislate to any extent and on any subject. Whatever were the objects of the Bill, he felt bound to say, that a measure of such great consequence, involving the suspension of the constitution of one of our most important colonies—a Bill which had been designated by its introducers as a Bill of pains and penalties, and which gave to the Governor of the province power without check or control—it was impossible that such a measure could be framed with more rash inattention and want of care than was evident in the Bill as originally introduced. He thought, that the House and the country had a right to complain of the manner in which the Bill had been introduced, for the substantial alterations made in the Bill had only been introduced at the present late hour. It would certainly be understood in the colony, that the Bill contained provisions of a very different nature from those which it now contained.

The *Attorney-General* replied, that the objection of his hon. and learned Friend was rather unprofitable and a waste of time, for, with all submission to his hon. and learned Friend, the effect of the Bill was the same as it originally stood. They were discussing the Bill as it now stood, and was it a ground of complaint, that they had by certain amendments anticipated some of the objections of his hon. and learned Friend? He would observe, that it seldom happened, that in a Bill of so much importance so few alterations were made in Committee as in that before the House. Since he had been a Member of the House he knew of Bills having been recommitted and reprinted several times. To go back to former times, namely, those of Mr. Pitt, he understood, that three Bills had been recommitted and reprinted so many as seven times. This Bill had only been recommitted and reprinted once, and no substantial alteration had been introduced into it. Under one of the clauses of the Bill as it originally stood, it was enacted, that the Governor in council should have all the power belonging to the local Legislature of Lower Canada, and the alterations introduced into the Bill only went to express more precisely the object in view. As to the amendment of his hon. and learned Friend, there could be no objection to it if it were properly limited.

Bill passed through the Committee. The House resumed.

HOUSE OF LORDS,

Monday, January 29, 1838.

MINUTES.] Petitions presented. By the Earl of DEVON, from Exeter, to extend Education.—By the Duke of SUTHERLAND, from Etruria, Staffordshire, for the abolition of Slave Apprenticeship.—By Lord ASHBURTON, from places in Essex, to the same effect; from Hull, Elgin, Edinburgh, and other places, for a reduction in the rate of Postage; and from Manchester, against the abolition of Imprisonment for Debt.—By the Earl of MINTO, from Hawick, for improvement in the Post-Office management.

SLAVE TRADE.] Lord *Brougham* spoke as follows:* I hold in my hand a petition from a numerous and most respectable body of your fellow-citizens—the inhabitants of Leeds. Between 16 and 17,000 of them have signed it, and on the part of the other inhabitants of that great and flourishing community, as well as of the county at large in which it is situated, I can affirm with confidence that their statements and their prayer are those of the whole province whose people I am proud to call my friends, as it was once the pride of my life to represent them in Parliament. They remind your Lordships, that between eighteen and nineteen millions have been already paid, and the residue of the twenty millions is in a course of payment to the holders of slaves for some loss which it was supposed their property would sustain by the Emancipation Act, whereas instead of a loss they have received a positive gain, their yearly revenues are increased, and the value of their estates has risen in the market. Have not these petitioners—have not the people of England a right to state, that but for the firm belief into which a generous Parliament, and a confiding country were drawn, that the Bill of 1833 would occasion a loss to the planter, not one million, or one pound, or one penny of this enormous sum would ever have been granted to the owners of slaves? When it is found that all this money has been paid for nothing, have we not an equal right to require that whatever can be done on the part of the planters to further a measure which has already been so gainful to them, shall be performed without delay? Have we not an undeniable right to expect for the sake not more of humanity towards the negroes than of strict justice to those whose money was so paid for nothing, under a mere error in fact, we, we who paid the money, shall obtain some compensation? And as all we ask is not a return of it, not to have the sums paid under mistake refunded, but only the bargain carried into full effect, when the Colonial Legislatures refuse to perform their part, are we not well entitled to compel them? In a word, have not the people of England a right to demand that the slavery which still exists under the name of indentured apprenticeship, shall forthwith cease, all pretext for continuing it, from the alleged risk of the sudden change, or the negro's incapacity of voluntary labour, having been triumphantly destroyed by the universal and notorious fact of the experiment of total emancipation having succeeded wherever it has been tried, and of the negro working cheerfully and profitably where he has been continued an apprentice? In presenting this petition from Yorkshire, and these thirteen others from various parts of the country, I have the honour of giving notice, that as soon as the unfortunate and pressing question of Canada shall have been disposed of by the passing or the rejection of the Bill expected from the Commons, that is, in about a week or ten days, I shall submit a motion to your Lordships with a view of enabling you to comply with the earnest prayer of your countrymen, by fixing the period of complete emancipation, on the 1st of August in this year instead of 1840.

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* From a corrected report published by Ridgway, and dedicated to Marquess Wellesley.

But, my Lords, while I thus express my entire concurrence in the sentiments of these petitions, and of the various others which I have presented upon this subject, I cannot conceal from myself that there is a very material difference between the subject of their complaint and of the complaint which I made at our last meeting respecting the continuance not of slavery, but the slave trade, which I cannot delay for a single hour bringing before Parliament. The grievance set forth in the petitions is, that the Emancipation Act according to some, did not go far enough and fast enough to its purpose—that while some hold it to have stopped short, in not at once, and effectually wiping out the foul stain of slavery, others complain of our expectations having been frustrated in the working of the measure by the planters and the local authorities—that enough has not been done, nor with sufficient celerity to relieve the unhappy slave of his burthen—nevertheless all admit that whatever has been effected has been done in the right direction. The objections made are upon the degree, not upon the nature of the proceedings. It is, that too little relief has been given to the slave—that too late a day has been assigned for his final liberation—that he still suffers more than he ought; it is not that we have made slavery more universal, more burthensome, or more bitter. But what would have been said by the English people—in what accents would they have appealed to this House—if, instead of finding that the goal we aimed at was not reached—that the chains we had hoped to see loosened still galled the limbs—that the burthen we had desired to lighten still pressed the slave to the earth—it had been found that the curse and the crime of human bondage had extended to regions which it never before had blighted—that the burthen was become heavier and more unbearable—that the fetters galled the victim's limbs more cruelly than ever—what, I ask, would then have been the language of your petitioners? What the sensation spread through the country? What the cry of rage echoing from every corner of its extent, to charge us with mingled hypocrisy and cruelty, should we allow an hour to pass without rooting out the monstrous evil? I will venture to assert, that there would have burst universally from the whole people an indignant outcry, to sweep away in a moment every vestige of slavery, under whatever name it might lurk, and whatever disguise it might assume, and the negro at once would have been a free man. Now this is the very charge which I am here to make, and prepared to support with proof, against the course pursued, with a view to extinguish the slave trade. That accursed traffic, long since condemned by the unanimous voice of all the rational world, flourishes under the very expedients adopted to crush it, and increases in consequence of those very measures resorted to for its extinction. Yes, my Lords, it is my painful duty to shew what, without suffering severely, it is not possible to contemplate, far less to recite, but what I cannot lay my head once more on my pillow without denouncing, that at this hour, from the very nature of the means used to extirpate it, this infernal traffic becomes armed with new horrors, and continues to tear out, year after year, the very bowels of the great African continent—that scene of the greatest sufferings which have ever scourged humanity—the worst of all the crimes ever perpetrated by man!

When the act for abolishing the British Slave Trade passed in 1807, and when the Americans performed the same act of justice by abolishing their traffic in 1806, the earliest moment, it must to their honour be observed, that the Federal Constitution allowed this step to be taken; and when, at a later period, treaties were made, with a view to extinguish the traffic carried on by France, Spain, and Portugal, the plan was in an evil hour adopted which up to the present time has been in operation. The right of search and seizure was confined to certain vessels in the service of the State, and there was held out as an inducement to quicken the activity of their officers and crews, a promise of head-money,—that is, of so much to be paid for each slave on board the captured ship, over and above the proceeds of its sale upon condemnation. The prize was to be brought in and proceeded against; the slaves were to be liberated; the ship, with her tackle and cargo, to be sold, and the price distributed; but beside this, the sum of five pounds for each slave taken on board was to be distributed among the captors. It must be admitted that the intention was excellent; it must further be allowed that at first sight the inducement held out seemed likely to work well, by exciting the zeal and rousing the courage of the crews against those desperate miscreants who defiled and desecrated the great high way of nations with their complicated occupation of piracy and murder. I grant it is far easier to judge after the event. Nevertheless, a little reflection might have sufficed to shew that there was a vice essentially inherent in the scheme, and that by allotting the chief part of the premium for the capture of slaves, and not of slave-ships, an inducement was held out, not to prevent the principal part of the crime, the shipping of the negroes, from being committed, but rather to suffer this in order that the head-money might be gained when the vessel should be captured with that on board which we must still insult all lawful commerce by calling the cargo—that is, the wretched victims of avarice and cruelty, who had been torn from their country, and carried to the loathsome hold. The tendency of this is quite undeniable; and equally so is its complete inconsistency with the whole purpose in view, and indeed the grounds upon which the plan itself is formed; for it assumes that the head-money will prove an inducement to the cruisers, and quicken their activity; it assumes, therefore, that they will act so as to obtain the premium: and yet the object in view is to prevent any slaves from being embarked, and consequently any thing being done which can entitle the cruiser to any head-money at all. The cruiser is told to put down the Slave Trade, and the reward held out is proportioned to the height which that trade is suffered to reach before it is put down. The plan assumes that he requires this stimulus to make him prevent the offence; and the stimulus is applied only after the offence has been in great part committed. The tendency, then, of this most preposterous arrangement cannot be questioned for a moment; but now see how it really works.

The slave vessel is fitted out and sails from her port, with all the accommodations that distinguish such criminal adventures, and with the accustomed equipment of chains and fetters, to torture and restrain the slaves—the investment of trinkets wherewith civilized men decoy savages to make war on one another, and to sell those nearest to them in blood—with the stock of muskets too, prepared by Christians for the trade, and sold at sixteen pence a piece, but not made to fire above once or twice without bursting in the hand of the poor negro, whom they have tempted to plunder his neighbour or to sell his child. If taken on her way to the African Coast she bears internal evidence, amply sufficient, to convict her of a slave trading destination. I will not say that the cruisers having visited and inspected her, would suffer her to pass onward. I will not impute to gallant and honourable men a breach of duty, by asserting, that knowing a ship to have a guilty purpose, and aware that they had the power of proving this they would voluntarily permit her to accomplish it. I will not even suggest that vessels are less closely watched on their route towards the coast than on their return from it. But I may at least affirm, without any fear of being contradicted, that the policy which holds out a reward, not to the cruiser who stops such a ship and interrupts her on the way to the scene of her crimes, but to the cruiser who seizes her on her way back when full of slaves, gives and professes to give the cruiser an interest in letting her reach Africa, take in her cargo of slaves, and sail for America. Moreover, I may also affirm with perfect safety, that this policy is grounded upon the assumption, that the cruiser will be influenced by the hope of the reward, in performing the service, else of what earthly use can it be to offer it? and consequently I am entitled to conclude, that the offering this reward, assumes that the cruiser cares for the reward, and will let the slaver pass on unless she is laden with slaves. If this does not always happen, it is very certainly no fault of the policy which is framed upon such a preposterous principle. But I am not about to argue that any such consequences actually take place. It may or it may not be so in the result; but the tendency of the system is plain. The fact I stop not to examine. I have other facts to state, about which no doubt exists at all. The statements of my excellent friend, Mr. Laird, who, with his worthy coadjutor, Mr. Oldfield, have recently returned from Africa, are before the world, and there has been no attempt made to contradict them. Those gallant men are the survivors of an expedition full of hardships and perils, to which, among many others, the learned and amiable Dr. Briggs, of Liverpool, unhappily fell a sacrifice—an irreparable loss to humanity as well as science.

It appears that the course pursued on the coast is this:—The cruiser stationed there to prevent the slave trade, carefully avoids going near the harbour or the creek where the slavers are lying. If she comes within sight, the slaver would not venture to put his cargo on board and sail. Therefore she stands out, just so far as to command a view of the port from the masthead, but herself quite out of sight. The slaver believes the coast is clear; accomplishes his crime of shipping the cargo, and attempts to cross the Atlantic. Now, whether he succeeds in gaining the opposite shores, or is taken and condemned, let us see what the effect of the system is first of all, in the vessel's construction and accommodation—that is, in the comforts, if such a word can be used in connexion with the hull of a slave-ship—or the torments rather prepared for her unhappy inmates. Let us see how the unavoidable miseries of the middle passage are exasperated by the contraband nature of the adventure—how the unavoidable mischief is needlessly aggravated by the very means taken to extirpate it. The great object being to escape our cruisers, every other consideration is sacrificed to swiftness of sailing in the construction of the slave-ships. I am not saying that humanity is sacrificed. I should of course be laughed to scorn by all who are implicated in the African traffic, were I to use such a word in any connexion with it. But all other considerations respecting the vessel herself are sacrificed to swiftness, and she is built so narrow as to put her safety in peril, being made just broad enough on the beam to keep the sea. What is the result to the wretched slaves? Before the trade was put down by us in 1807, they had the benefit of what was termed the Slave Carrying Act. During the twenty years that we spent in examining the details of the question—in ascertaining whether our crimes were so profitable as not to warrant us in leaving them off—in debating whether robbery, piracy, and murder, should be prohibited by law, or receive protection and encouragement from the State, we, at least, were considerate enough to regulate the perpetration of them, and while those curious and very creditable discussions were going on, Sir William Dolben's Bill gave the unhappy victims of our cruelty and iniquity the benefit of a certain space between decks, in which they might breathe the tainted air more freely, and a certain supply of provisions and of water to sustain their wretched existence. But now there is nothing of the kind, and the slave is in the same situation in which our first debates found him above half a century ago, when the venerable Thomas Clarkson awakened the attention of the world to his sufferings. The scantiest portion which will support life is alone provided; and the wretched Africans are compressed and stowed into every nook and cranny of the ship, as if they were dead goods concealed on board smuggling vessels. I may be thought to have said enough, but I may not stop here. Far more remains to tell, and I approach the darker part of the subject with a feeling of horror and disgust which I cannot describe, and which three or four days gazing at the picture has not been able to subdue. But I go through the painful duty in the hope of inducing your Lordships at once to pronounce the doom of that system which fosters all that you are about to contemplate.

Let me first remind you of the analogy which this head-money system bears to what was nearer home, called blood-money. That it produces all the effects of the latter, I am certainly not prepared to affirm; for the giving a reward to informers on capital conviction had the effect of engendering conspiracies to prosecute innocent men, as well as to prevent the guilty from being stopt in their career, until their crimes had ripened into capital offences; and I have no conception that any attempts can be made to capture vessels not engaged in the trade, nor, indeed, could the head-money, from the nature of the thing, be obtained by any such means. But, in the other part of the case, the two things are precisely parallel, have the self-same tendency, and produce the same effects; for they both appeal to the same feelings and motives, putting in motion the same springs of human action. Under the old bounty system no policeman had an interest in detecting and checking guilt until it reached a certain pitch of depravity, until the offences became capital, and their prosecutor could earn forty pounds, they were not worth attending to. The cant expression, but the significant one is well known. "He (the criminal) is not yet weight enough — he does not weigh his forty pounds," was the saying of those who cruised for head-money at the Old Bailey. And thus lesser crimes were connived at by some, encouraged, nurtured, fostered in their growth by others, that they might attain the maturity which the law had, in its justice and wisdom, said they must reach before it should be worth any one's while to stop the course of guilt. Left to itself wickedness could scarcely fail to shoot up and ripen. As soon as he saw that time come, the policeman pounced upon his appointed prey, made his victim pay the penalty of the crime he had suffered, if not encouraged him to commit, and himself obtained the reward provided by the State for the patrons of capital felony. Such within the tropics is the tendency, and such are the effects of our head-money system. The slave-ship gains the African shores; she there remains unmolested by the land authorities, and unvisited by the sea, the human cargo is prepared for her, the ties that knit relatives together are forcibly severed, all the resources of force and of fraud, of sordid avarice and of savage intemperance, are exhausted to fill the human market; to prevent all this nothing or next to nothing is attempted; the penalty has not as yet attached, the slaves are not on board, and head-money is not due; the vessel, to use the technical phrase, does not yet weigh enough, let her ride at anchor till she reach her due standard of five pounds a slave, and then she will be pursued. Accordingly the lading is completed, the cruiser keeps out of sight, and the pirate puts to sea. And now begin those horrors, those greater horrors, of which I am to speak, and which are the necessary consequences of the whole proceeding, considering with what kind of miscreants our cruisers have to deal.

On being discovered, perceiving that the cruiser is giving chase, the slaver has to determine whether he will endeavour to regain the port, escaping for the moment, and waiting for a more favourable opportunity, or will fare across the Atlantic, and so perfect his adventure and consummate his crime, reaching the American shores with a part, at least, of his lading. How many unutterable horrors are embraced in the word that has slipt my tongue. A part of the lading! Yes, yes; for no sooner does the miscreant find that the cruiser is gaining upon him, than he bethinks him of lightening his ship, and he chooses the heaviest of his goods with the same regard for them as if they were all inanimate lumber. He casts overboard men and women and children. Does he first knock off their fetters? No! Why? Because those irons by which they have been held together in couples for safety, but not more to secure the pirate crew against revolt, than the cargo against suicide — to prevent the Africans from seeking in a watery grave an escape from their sufferings; those irons are not screwed together and padlocked, so as to be removed in case of danger from tempest or from fire, but they are rivetted—welded together by the blacksmith in his forge, never to be removed nor loosened until after the horrors of the middle passage, the children of misery shall be landed to bondage in the civilized world, and become the subjects of Christian kings. The irons, too, serve the purpose of weights, and if time be allowed, in the hurry of the flight, more weights are added, to the end that the wretches may be entangled, to prevent their swimming. Why? Because the negro, with that Herculean strength which he is endowed withal, and those powers of living in the water which almost give him an amphibious nature, might survive to be taken up by the cruiser, and become a witness against the murderer. The escape of the malefactor is thus provided both by lightening the vessel which bears him away, and by destroying the evidence of his crimes. Nor is this all. Instances have been recorded of other precautions used with the same purpose. Water-casks have been filled with human beings, and one vessel threw twelve overboard thus laden. In another chase, two slave ships endeavoured, but in vain, to make their escape, and my blood curdles when I recite, that, in the attempt, they flung into the sea 500 human beings of all ages and of either sex. These are things related not by enthusiasts of heated imagination—not by men who consult only the feelings of humanity, and are inspired to speak by the great horror and unextinguishable indignation that fills their breasts, but by officers on duty—men engaged professionally in the Queen's service. It is not a creation of fancy to add, as these have done to the hideous tale, that the ravenous animals of the deep are aware of their prey, when the slave-ship makes sail; the shark follows in her wake, and her course is literally to be tracked through the ocean by the blood of the murdered, with which her enormous crimes stain its waters. I have read of worse than even this. But it will not be believed. I have examined the particulars of scenes yet more hideous, while transfixed with horror, and ashamed of the human form that I wore—scenes so dreadful as it was not deemed fit to lay bare before the public eye—scenes never surpassed in all that history has recorded of human guilt to stain her pages, in all that poets have conceived to harrow up the soul—scenes compared with which the blood-stained annals of Spain—cruel and sordid Spain—have registered only ordinary tales of avarice and suffering, though these have won for her an unenvied pre-eminence of infamy — scenes not exceeded in horror by the forms with which the great Tuscan poet peopled the hell of his fancy, nor by the dismal tints of his illustrious countryman's pencil, breathing its horrors over the vaults of the Sistine chapel. *Mortua quin etiam jungebat corpora vivis.* On the deck, and in the loathsome hold are to be seen the living chained to the dead, the putrid carcase remaining to mock the survivor with a spectacle that, to him, presents no terrors—to mock him with the spectacle of a release which he envies. Nay, women have been known to bring forth the miserable fruit of the womb surrounded by the dying and the dead, the decayed corpses of their fellow victims. Am I asked how these enormities shall be prevented? First ask me to what I ascribe them, and then my answer is ready—I charge them upon the system of head-money which I have described, and of whose tendency no man can pretend to doubt. Reward men for preventing the slaver's voyage, not for interrupting it—for saving the Africans from the slave-ship, not for seizing the ship after it has received them, and then the inducement will be applied to the right place, and the motive will be suited to the act you desire to have performed.

But I have hitherto been speaking of the intolerable aggravation which we superadd to the traffic. Its amount is another thing. Do all our efforts materially check it? Are our cruisers always successful? Are all flags and all the slavers under any flag subject to search and liable to capture? I find that the bulk of this infernal traffic is still undiminished; that though many slave-ships may be seized, many more escape and reach the New World; and that the numbers still carried thither are as great as ever. Of this sad truth the evidence is but too abundant and too conclusive. The premium of insurance at the Havannah is no higher than twelve and a-half per cent. to cover all hazards. Of this four and a-half per cent. is allowed for sea risk and underwriter's profits, leaving but eight for the chance of capture. But in Rio it is as low as eleven per cent., leaving but six and a-half for risk of capture. In the year 1835, eighty slave ships sailed from the Havannah alone; and I have a list of the numbers which six of these brought back, giving an average of about 360, so that above 28,000 were brought to that port in a year. In the month of December of that year, between 4,000 and 5,000 were safely landed in the port of Rio, the capital of our good friend and ally, the emperor of Brazil. It is frightful to think of the numbers carried over by some of these ships. One transported 570, and another no less than 700 wretched beings. I give the names of these execrable vessels —the Felicidad and the Socorro. Of all slave-traders, the greatest—of all the criminals engaged in these guilty crimes, the worst, are the Brazilians, the Spaniards, and the Portuguese, the three nations with whom our commerce is the closest, and over whom our influence is the most commanding. These are the nations with whom we (and I mean France as well as ourselves) go on in lingering negotiation, in quibbling discussion, to obtain some explanation of some article in a feeble, inefficient treaty, or some extension of an ineffectual right of search, while their crimes lay all Africa waste, and deluge the seas with the blood of their inhabitants. Yet, if a common and less guilty pirate dared pollute the sea, or wave his black flag over its waves, let him be of what nation he pleased to libel by assuming its name, he would in an instant be made to pay the forfeit of his crimes. It was not always so. We did not, in all times nor in every cause, so shrink from our duty through delicacy or through fear. When the thrones of ancient Europe were to be upheld, or their royal occupants to be restored, or the threatened privileges of the aristocracy wanted champions, we could full swiftly advance to the encounter, throw ourselves into the breach, and confront alone the giant arm of republics and of emperors wielding the colossal power of France. But now, when the millions of Africa look up to us for help—when humanity and justice alone are our only clients, I am far from saying, that we do not wish them well. I can believe, that if a word could give them success—if a wave of the hand sufficed to end the fray, the word would be pronounced, the gesture would not be witholden; but, if more be wanted—if some exertion is required—if some risk must be run in the cause of mercy, then our tongue cleaves to the roof of our mouth; our hand falls paralyzed; we pause and falter, and blanch and quail before the ancient and consecrated monarchy of Brazil, the awful might of Portugal, the compact, consolidated, overwhelming power of Spain. My Lords, I trust, I expect, we shall pause and falter, and blanch and quail no more. Let it be the earliest, and it will be the most enduring glory of the new reign to extirpate at length this execrable traffic. I would not surround our young Queen's throne with fortresses and troops, or establish it upon the triumphs of arms and the trophies of war—no, not I! I would build her renown neither upon military nor yet upon naval greatness; but upon rights recured, upon liberties extended, humanity diffused, justice universally promulged. In alliance with such virtues as these I would have her name descend to after ages. I would have it commemorated for ever, that in the first year of her reign, her throne was fortified and her crown embellished, by the proudest triumph over the worst of crimes—the greatest triumph mortal ever won over the worst crime ever man committed.

The Earl of *Minto* said, that after the eloquent speech of the noble and learned Lord, and after the severe attack which the noble and learned Lord had made on the officers of the profession over which he had the honour to preside, their Lordships would naturally expect a few observations from him. The greater part of the speech of the noble and learned Lord was directed to prove that, in consequence of the paying of head money, the officers employed to put down this traffic were induced to neglect their duty and the orders of their country, and to allow the escape of vessels fitted out for this most iniquitous traffic. He would admit, that the statements so powerfully addressed to their Lordships by the noble and learned Baron, of the horrors of the slave trade were not in the slightest degree exaggerated. The noble and learned Lord, however, had directly imputed to the officers of the navy, that in consequence of the profit they derived from head-money, they were induced to allow vessels to pass in to the coast to get a cargo, in order that they might capture these vessels on returning with a cargo. To use the noble and learned Lord's own words, those gallant Officers were induced to allow vessels equipped for the slave trade to escape in order that they might weigh enough; they were induced to watch at the mouths of the rivers and to wait till the slaver had taken in a cargo. Now, he would not say that not a single such instance had occurred; but, with all the opportunity he had of acquiring information, he could say, that no such instance had come to his knowledge, nor did he believe that any such existed. He regretted that the noble and learned Lord should make such charges without bringing forward a single case of neglect of duty. It might be perfectly true that in many cases the officers might find it necessary to allow the vessels to take in a cargo before they could attempt to capture them, as they might not until then become subject to the articles of the treaty. But there were many cases in which they took a contrary course, and he could assure their Lordships that the only complaint he ever heard against the officers was, that they were too ready to take these vessels, that they were too little careful of themselves, and that they did not sufficiently attend to their own security against prosecutions. Had any such instances as those referred to by the noble and learned Lord occurred, the officers so guilty would have justly lost their commissions; but he must say, that no such instance had he ever heard of. On the contrary, every letter he received from those who were thus employed lamented the difficulties in the way of obtaining the means of the capture and conviction of these vessels until the cargo was embarked, and they all urged the conclusion of further treaties. If those treaties were extended to all those nations under whose flags the slave trade were carried on, there would be no difficulty in putting down the traffic; but as long as those treaties remained in the state they were in at present it would be impossible effectually to put down the traffic. The case was not the same with regard to Spain as with regard to Portugal; because with Spain we now had a treaty which effectually enabled us to capture slavers under the Spanish flag, but with Portugal this was not the case, and the consequence was, that a great part of the traffic was carried on under Portuguese colours, and the cruisers of this country were unable to capture the vessels until they had taken in a cargo. The noble and learned Lord in the course of his eloquent and forcible speech had condemned the conduct of the Government in strong terms for being on friendly terms with nations which recognized this most detestable traffic. When the noble and learned Lord held a high official situation in the Government of this country why did he not take this subject into consideration? But had there been no change? Had not the present Government at least obtained this advantage, that the Spanish flag would no longer cover this traffic? He begged pardon for making these few observations, but he could not listen to such insinuations against the profession over which he had the honour to preside, he could not hear them compared to the police officers of the Old Bailey, without offering some defence and making some explanation.

Lord *Brougham* said, that the noble Earl had entirely mistaken what he had said. He had never made such charges against the officers of the cruisers as the noble Earl had imagined. The noble Earl, therefore, only denied what he (Lord Brougham) had never stated. His charge was this—that there being a slaver on the coast of Bonny or Calabar, which was known to be there, and which the cruiser knew to be there, he had asked, was it true or not, that the cruiser instead of co-operating with the authorities and preventing the unhappy cargo from being embarked, went out to sea just far enough not to be seen, but not so far as not to see the port, and there waited until the vessel came out? It might be very easily said that this was done to entice out the vessel, in order to capture her. Yes; but it enabled the vessel to put, in the meantime, its unhappy cargo of human beings aboard. Was it, he would ask, true or not that they enabled these vessels to come out, and coming out to be chased, thus running the risk of tempting the master and crew of the slaver to throw overboard its human cargo in order to lighten the vessel? It was very possible that he had been misinformed; but he could refer to an excellent authority in the book lately published by Mr. Laird. As to the statement of the noble Earl, that when he (Lord Brougham) was in the Government nothing was done to remedy the evils, he begged to say that circumstances had very much altered since then. Neither Spain nor Portugal was now precisely in the same condition that they were in at that time. This country had now much more weight in Lisbon, if any body could have weight or influence in such an anarchical form of Government. Again, the Government of Spain was entirely dependent on this country, which was not the case in the reign of Ferdinand 7th. During the last eighteen months the most satisfactory indications had been given of an improved feeling on the part of the French Government, and he had no hesitation in saying, that the Government of this country would not do its duty to the character of the country, or to the cause of humanity, if it did not take immediate steps with France to put down the slave trade at all hazards.

The Earl of *Minto* said, that as he understood the noble and learned Lord's question, it was this—whether or not it was the case that those cruisers lay off the mouths of rivers in which they had reason to know that a slaver had entered, for the purpose of taking in a cargo, long enough for the cargo to be taken in, in order that they might capture the vessel when she came out? He must repeat what he had said before, that if any officer knowing that a slave-vessel had gone into a river into which he could safely follow her, for the purpose of taking in a cargo of slaves, that vessel being under colours which entitled the cruiser to capture her under the equipment article, any officer failing to do so, and waiting till the vessel got a cargo, would be guilty of a breach of duty; and if it came to his (Lord Minto's) knowledge, that officer would be called to account. But he knew of no such case. He did know of many cases in which officers had been unable to follow vessels, or had been unable to seize them, because they carried flags which did not place the vessel under the equipment article. He hoped that the distinction was sufficiently intelligible. There was nothing which an officer desired more than to have an opportunity of getting into the rivers, and of taking those vessels before they get their cargoes, when they were entitled so to do. Such things were of constant occurrence. Some of the most gallant actions had been performed in this way, and by very young officers. A remarkable instance had occurred not long ago, when a midshipman was directed to enter a river in a boat, in order to obtain information about a suspicious vessel, to learn what colours she sailed under, and what men she had on board. He met the vessel coming down the river, he boarded her with his six men, and though she was armed with thirty men, he captured her and brought her out. There were several such cases. It would be preposterous to suppose that officers would expose themselves to censure by going on board vessels sailing under the Portuguese flag, unless they were quite certain that slaves would be found on board. Under such circumstances, then, the only course that officers had to take was to lay off at a distance, or to be out of sight, in order that they might be able to make a capture. He knew of no case where officers could legally have made a capture where they had failed to do so.

Lord *Brougham* wished to know if there could be the slightest objection to abolish head-money, and paying a reward for the tonnage of the vessel captured?

The Earl of *Minto* thought, that the noble and learned Lord had made out no case to show that head-money had the effect which he had described; at the same time he did not mean to say but that it might have that effect. Head-money was continued, and, in certain cases, a reward was given according to the tonnage of the vessel.

Lord *Brougham* declared, that his objection was to the giving head-money in any case.

Lord *Ellenborough* considered that there could be no doubt but that the head-money had had the effect of affording an inducement to those evil consequences which had been described. He thought that where gallant actions had been achieved by young officers, the remuneration ought to be as great as when large vessels made a capture on the open sea, and where but slight peril at least was encountered. The noble and learned Lord had, in his opinion, ably described the horrors which followed from a slaver being pursued, and he had no doubt but that there was an inducement to the master of the slaver to destroy the slaves on board, in order that the reward of those who pursued them might be lessened.

Lord *Ashburton* said, that if there were no objection to the remuneration by tonnage, it would be much more desirable than the mode by head-money. He could not but think that the House and the country were obliged to his noble and learned Friend for calling their attention to the great and crying enormity of that traffic as it was called. Undoubtedly, the people must think that vigorous measures were enforced with respect to this trade, when they saw it abolished by Act of Parliament, and when they found, year after year, fresh treaties ostentatiously paraded as having been recently concluded with foreign states, and with small and insignificant states too, as an instance he might mention Bolivia, with which country a treaty was, he believed, concluded last year, for the suppression of the slave trade, although that country never had any slaves, and never had been engaged in the trade. Yet this trade was, nevertheless, carried on to as great an extent, and with tenfold more cruelty than ever; and he had no hesitation in saying, that if this country had left Spain and Portugal to carry about those poor creatures as they pleased, humanity would have been less outraged, and fewer atrocities committed. The state of our relations with Portugal was unsatisfactory on this point, and he thought ought not to be submitted to by this country. It ought to be remembered that the family now on the throne held its seat there by our intervention; and connected as we thus were with them, he did think that it was too much that Portugal should be (as the noble Earl had informed their Lordships, and no doubt truly) the real bar to putting an end to the trade. England had sent out a fleet to blow the Dey of Algiers out of his citadel, because the depredations of his subjects were inconsistent with the regulations of civil society, yet England suffered the kingdom of Portugal to stand a nuisance on the ocean, by carrying on a trade the horrors of which were aggravated by England's interference. He did think, therefore, with the noble and learned Lord, that some way or other might be found to put an end to this state of things, and to prevent the perpetration of horrors consequent on it.

Lord *Glenelg* could state, on the part of his noble Friend at the head of the Foreign Department, that he was at the present moment engaged in negociating a treaty with Portugal with the view of putting a stop to this trade. He certainly must coincide in the opinion expressed by the noble Lord, that the horrors of the trade would not have been aggravated to their present height if we had never meddled with it as carried on by other nations; but he also thought Parliament would not have done its duty, or satisfied the expectations of the country, if the fear of aggravating those horrors had prevented them from taking every means to extirpate the trade. It was very difficult for this country to interfere in the matter without infringing the respect due to foreign states. With respect to the horrors of the slave trade he must say he believed the account given of them by the noble and learned Lord was not exaggerated, for they heard the same on all hands; but he must also say that he did not think the noble and learned Lord had satisfactorily proved that these horrors were at all attributable to the giving of head-money. It might be as the noble and learned Lord had stated; but he did not think that the fact had been proved. He admitted that head money afforded a temptation to persons to allow the shipment of slaves, but no other course was open to them for rewarding the captors, except in the case of vessels sailing under the flag of a nation with which we had a treaty, including the equipment article. He was not, however, prepared to defend the practice of head-money—indeed he had not examined the merits of the question. The practice had been established several years ago by persons well informed on the subject, and was intended as a means of stimulating the exertions of both officers and sailors on board the cruisers, and of securing good treatment for the slaves after capture. He certainly thought those officers and men employed in such a pestilential climate, and on such a disagreeable duty, were entitled to some reward for their exertions. With respect to vessels sailing under the flag of nations whose treaties included the equipment article, rewards were given not only according to the number of slaves, but to the tonnage of the vessel captured, and indeed his wish was, to abolish head money altogether. The only nation that still persisted in endeavours to thwart the exertions of this country to put down the abominable slave traffic was Portugal. He deeply regretted, while he could not conceal the fact, that vessels sailing under the Portuguese flag were constantly guilty of violating not only the laws of humanity, but the direct stipulations of the treaty with this country. He knew it was the anxious wish of his noble Friend at the head of the Foreign Department to bring the question to a satisfactory issue, and in the meantime whatever could be done to alleviate the miseries of the slaves he was sure would be done by him.

Motion agreed to.

Lord *Redesdale* said, that it had been his intention to move for copies of all despatches received by the Colonial-office from the governors of her Majesty's colonies of Nova Scotia, New Brunswick, and Prince Edward's Island, during the year 1837, and the date of each despatch, but he understood that there was some objection to their production.

Lord *Glenelg* said, that copies of the despatches could not be produced, but he was ready to tell the noble Lord the dates of the times at which they were received.

The Earl of *Devon* presented a petition from Exeter, praying for the more general extension of the benefits of education.

The Duke of *Sutherland* presented petitions from Etruria, in Staffordshire, and other places, praying the immediate emancipation of the slave apprentices in the West Indian colonies.

HOUSE OF COMMONS,

Monday, January 29, 1838.

Minutes.] Petitions presented. By Lord Worsley, from Hull, in favour of Mr. R. Hill's plan for conveying Letters.—By Mr. Parrott, from Kingsbridge, and other places in Devon, by Mr. Divett, from Exeter, by Mr. Baines, from Selby, Yorkshire, for the abolition of Negro Apprenticeship.—By Mr. Estcourt, from the Graduates of Glasgow University, complaining of the Apothecaries Act.—By Sir Samuel Whalley, from Marylebone, condemning the Civil List.—By Mr. White, from Sunderland, and by Mr. Grote, from places in Suffolk, in favour of the Ballot.—By Mr. Lister, from Bradford, against making War in Canada.—By Mr. Wakley, from Brighton, to remit the punishment of the Glasgow Cotton-spinners.—By Sir R. Inglis, from Clergymen of Leeds, against the Marriage and Registration Acts.—By Mr. Leader, from Westminster, Lambeth, Paddington, and other places, against the Canada Government Bill.

Affairs of Canada.] Lord John Russell moved the third reading of the Canada Government Bill.

Sir *George Sinclair* said, that as he had never taken part in any of the discussions respecting the affairs of Canada during the present or any former Session, he should take the liberty on this occasion to trespass on the patience of the House. He believed that no Bill had ever been introduced to which, during its progress through the Committee, so much had been added, or from which so much had been taken away. The acquiescence of the noble Lord in the very seasonable suggestions of his right hon. Friend, the Member for Coventry, had taken no one by surprise on either side of the House. Without pretending to the gift of second sight, he had at once felt persuaded that the noble Lord would give the preference to second thoughts. This result was anticipated by all the Gentlemen who sat around him as soon as they heard the very first sentence of the very able, lucid, and useful speech of his right hon. Friend—so useful to the country, and at the same time so useful to the Government. He knew not whether his right hon. Friend was in the habit of killing two birds with one stone, but he had certainly attained two objects in one speech. He had both shown his patriotism and served his party. He did not for one moment imagine, after the disclaimer of his right hon. Friend, that he had communicated his views beforehand to the noble Lord; but his own sagacity and experience must have convinced him that such a complimentary precaution would be quite superfluous; and, without any assurance from the noble Lord's own mouth, he must have known that he was rendering a most essential service to the Government—extricating them from a notable dilemma, and sparing to them the danger and mortification of a defeat which was probable in this House and inevitable elsewhere. This proposition must have come like a godsend upon the astonished mind of the noble Lord; he must have felt, that

> "Quod obtanti Divûm promittere nemo
> "Audebat, volvenda dies en attulit ultro."

If a fire had occurred in Downing-street, and that his right hon. Friend, without giving any previous intimation, had opportunely hurried with an enormous engine to the noble Lord's dwelling, and succeeded in extinguishing the flames, he would be just as certain that he was rendering to the noble Lord an invaluable service as if he had given previous notice of his intention. He was very desirous to record the expression of his deep sorrow and heartfelt reluctance at supporting a Bill so despotic in its principle, and, till amended, so objectionable in its provisions; but the misconduct of her Majesty's Government had reduced Canada to such a state, that he was compelled to adopt this course by a paramount sense of duty, and by the entire absence of an eligible alternative. I at one time (continued the hon. Baronet) entertained a hope that it might have been possible to have given the constituencies of Lower Canada another trial, by allowing them once more to elect a House of Assembly, and should have gladly adopted this plan, in the hope that by the result of recent transactions, the majority of the rebels would have been humbled, sobered, and undeceived. But, Sir, I am deterred from acceding to any such proposal by the effect which must be produced on the minds of the colonists by the speeches of those Gentlemen, both here and out of doors, who call themselves the friends of the Canadians, although, by fostering their prejudices, and exaggerating their grievances, they are, in fact, the worst enemies to the peace and prosperity of the province. If these orators had lamented the imprudence and folly of the insurgents, had expatiated upon the benefits which they derive from the continuance of British connexion, and had expressed a loyal desire for the success of her Majesty's forces—in short, if their speeches had resembled that of the right hon. Member for Coventry, the manifestation of such opinions on their part might have greatly tended to restore a sound and constitutional tone of feeling throughout Canada. But their harangues have been characterised by language the most inflammatory and the most revolting, and derive additional importance, as well as inflict additional injury, from the circumstance that most of the Gentlemen by whom they were pronounced, received, during the last general election, the most cordial and active support on the part of her Majesty's Ministers. The Comptroller of the Household, if I am rightly informed, was chairman of the hon. Member for Westminster's (Mr. Leader's) Committee. The Attorney-General was on the hustings at Brentford, as a partisan of the Member for Kilkenny, and I believe that no tradesman could obtain the renewal of a warrant for employment in her Majesty's household if he presumed to vote for Sir George Murray, who would have so ably supported her Majesty's Government on this occasion. It must, therefore, be supposed that the Canadians will suspect her Majesty's Ministers of not being in their hearts so hostile as they now pretend to be to the sentiments of the very representatives whose returns they were the means of securing. Sir, I altogether disapprove of the policy pursued by her Majesty's Government. I wish that at the close of last Session they had adopted those views as to the urgency of the case which were entertained by every class of politicians with the exception of the Ministers themselves. They would not have incurred the heavy responsibility of neglecting to take such precautionary measures as might have prevented those scenes of carnage and desolation which all parties concur in deploring. I am quite willing to vote for such reinforcements of troops and such supplies of money as may be necessary for the due maintenance of her Majesty's legitimate authority, and for the protection of our loyal fellow-subjects in Canada, who, if the insurgents had succeeded, would doubtless have been exposed to murder, exile, or confiscation. Sir, I wish to speak with very high respect of the talents, acquirements, and experience of the Earl of Durham; and the only considerations which disconcert and alarm me, in reference to the noble Lord's appointment, are the expectations entertained and the eulogiums pronounced by the philosophical Radicals, or Radical philosophers, on the other side of the House. I myself, Sir, wish to speak with unaffected esteem of the ability and the honesty of those Gentlemen, however much I may differ from their views; but in the *Morning Chronicle* of this day I find them described. They form but a very small section of the Radical Reformers, and their object seems to be to form a still smaller section by their intolerance and insufferable self-conceit. Such, Sir, is the language used by the leading Ministerial organ, in reference to the very men without whose gratuitous assistance its patrons could never have climbed into place, and without the continuance of whose powerful aid they would soon relapse into insignificance. Sir, I certainly admit, that the constitution of Canada ought to occupy a prominent place in the catalogue of its grievances, but I understand this statement in a very different sense from that which many Gentlemen attach to it. It appears to me that we could not render a more essential service to Canada, or take a step more calculated to insure good Government, than if we raised the qualifications which give a right to the elective franchise. What kind of representatives can we expect to be chosen by constituents, an overwhelming majority of whom can neither read nor write? Is it not far more probable that they will select Jack Cades and Massaniellos, than John Hampdens or Algernon Sidneys, and that the noble Lord would have a better prospect of success than his distinguished ancestor, Lord Russell? The present system unhappily strengthens the hands and facilitates the manœuvres of certain mischievous demagogues and factious incendiaries, who, by pandering to the worst passions of human nature, have rendered a large proportion of an ignorant, unsuspecting, and excitable peasantry, the dupes of their misrepresentations, the tools of their intrigues, and the victims of their ambition, and who, when defeat has taken place, or rather, as soon as conflict is impending, are found to skulk in quest of personal safety into some contiguous province, afraid to face the storm which they themselves have raised, or to participate in the dangers in which thousands are involved through their reckless and desperate machinations. But, Sir, I cannot help taking this opportunity to notice a subject of still greater importance than the bill which we are now discussing, although by no means remotely connected with it—a subject which involves not only the interests of Canada, together with those of our other dependencies, but the welfare of the mother country, and the stability of our institutions. Are her Majesty's Ministers entitled in point of influence, or competent in point of ability, to preside over the destinies of this great empire? Are they actuated in their general policy by the principles of justice, firmness, discernment, and consistency? Do their *bonâ fide* partisans constitute even a numerical preponderance within these walls? Do they themselves command the respect or enjoy the goodwill of our constituents out of doors? I deny all these propositions. If a call of the House were to take place to-morrow, and that every Member, on answering to his name, were obliged to lay his hand upon his heart, and to declare upon oath whether he has or has not confidence in the statesmanlike wisdom and political integrity of the Government, I feel persuaded that a very large majority would be compelled to answer that question in the negative. With regard to the sentiments of the British nation, the respectable, intelligent, and religious classes, throughout the length and breadth of the land, are lost in astonishment when they consider the general conduct of her Majesty's Ministers—at the suddenness with which they trim—and at the shabbiness with which they truckle. Their tortuous and vacillating course, their veerings round on the one day, and their backings out on the next, are viewed not only by every straightforward Conservative with disgust, but by every honest Radical with indignation. Take for instance, their proceedings with regard to Canada, which are so strictly in keeping with their virtual abandonment of the Irish appropriation clause, or the artful suspension of the English Church Rates Bill. They were repeatedly warned by both sides of the House in the course of last Session that by their uncertain and fluctuating system they would neither satisfy the loyal, nor confirm the wavering, nor overawe the disaffected; they were assured that, in order to carry their own measures into effect, a large increase of force was indispensable, and yet they were contented to persist in a set of feeble and meagre resolutions, sufficiently offensive to provoke resentment—sufficiently tame to encourage resistance. They seem to have inverted the old adage, as if they deemed cure more expedient than prevention. They are at this moment only preparing the armament which ought to have reached Canada, or the adjacent provinces at least four months ago. The Government has now reached the nadir of political ignominy, and is presenting to the world such a spectacle as was never before exhibited by British statesmen—that of a Ministry distinguished by these striking and anomalous characteristics—office without power, support without confidence, pretension without talent, and profession without performance. They can neither manage the affairs of the country nor carry through the business of this House without the superintendence and advice of a right hon. Friend near me, who is not more conspicuous for his immeasurable superiority in all those intellectual endowments which adorn the character of the statesman and insure the respect of the country, than for the unparalleled forbearance and almost chivalrous magnanimity with which he conducts his opposition to the very politicians from whom, when he himself was in office, he never obtained even common justice. Sir, I am quite aware that from his brilliant position in the world, my right hon. Friend may be as indifferent to the patronage and emoluments of office as his antagonists are tenacious of its influence and advantages; that the acceptance of power involves almost as great a sacrifice on his part as the forfeiture of place upon theirs; but I trust that he will no longer rest satisfied with correcting blunders and preventing mischief—that he will soon be placed at the head of an Administration which will at all events pursue a straightforward and intelligible course. The country will then cease to endure the misfortune and submit to the mortification of being misgoverned by selfish and slippery Ministers, who feebly maintain their ground by the discreditable expedient of playing two parties against each other, of each of which they stand equally in dread, and by both of which they are equally despised.

Sir *Harry Verney* did not consider the conduct with respect to the Canada Bill of the right hon. Baronet, the Member for Tamworth, had been so chivalrous as his hon. Friend had just represented it. On the contrary, he considered that conduct to be totally the reverse of chivalrous. In talking of the Bill, his hon. Friend had not been able to place his finger on any part of the conduct of her Majesty's Government with respect to it, that he could justly condemn. As to what his hon. Friend had adverted to, with regard to the not sending additional troops to Canada, the conduct of the Ministry, in that respect, had been approved of by his Grace the Duke of Wellington. ["*No, no!*"] Notwithstanding the contradiction of hon. Members opposite, he asserted that his Grace the Duke of Wellington, with that noble independence of party which had always distinguished him, had absolved her Majesty's Ministers of blame for not having sent additional troops to Canada. It was true his Grace said, that the garrisons in New Brunswick and Nova Scotia might be strengthened with advantage. But he (Sir H. Verney) contended, that if that had been done, the moral effect of the whole transaction would not have been as complete as it was at present. The event had justified the conduct of Government. The Government could not be blamed for the insurrection in Canada. The hon. Baronet had himself agreed to the resolutions regarding Lower Canada, although he now condemned them. Why did not the hon. Baronet condemn them when they were first brought forward? The hon. Baronet had not done so; he had acquiesced in the resolutions, and now he was one of the first to come forward and complain of them as the cause of the insurrection. He was glad that the hon. Baronet, in commenting on the general conduct of Government, was unable to find fault with at least one of their acts—the selection which they had made of Lord Durham as a mediator with the colonies. It certainly was a happy circumstance, that an individual, like that noble Lord, could be found willing to forego all the advantages which he enjoyed in this country, and to accept what, under any circumstances, must be a most arduous, delicate, and painful office. He could not forget that which, although it had not been alluded to in the discussions that had occurred on this subject, he could not but consider as one of the chief causes of the disturbances in Canada, namely, that the conduct of Englishmen there was anything but conciliating towards the ancient settlers; and, therefore, he hoped for much from the mild and conciliatory, yet firm and energetic, character of the noble Lord in question. In the course of their observations, hon. Members had found fault with the American government. Now, he did not think that that censure was founded in justice. On the contrary, he thought that, considering the excited state of public feeling in the United States, the American government had shown a great degree of forbearance and moderation, and a disposition to maintain friendly relations with this country. He hoped that the success which had attended, and which he trusted would always attend, her Majesty's arms in Canada, would not prevent her Majesty's Government from entering into a full consideration of the state of all our North American colonies, and he hoped that the noble Earl would be intrusted with a full and final settlement of them. It would be a noble object for the noble Earl to propose to himself, not only to establish the present peace of the North American colonies, but to bind them in a strong band of union, freedom, and prosperity.

Mr. *Hume* said, that the hon. Baronet who had just relieved himself by the delivery of a long speech, had taken a great deal of trouble to attack the policy of the Government. If he did not know that his hon. Friend conscientiously thought that there could not be a worse Government than the present one, and that he had entertained that opinion for the last two or three years, he should have looked upon his speech as a faithful transcript of the leading article of a morning print. After all his long tirade against the Government, the hon. Baronet said, he was going to vote for the Government bill. ["*No, no.*"] He was going to vote for the bill as amended. There were some who thought that, leaving out the last clause might have an injurious effect, and that the Government might have resisted that part of the amendment which deprived the Crown of the power to terminate the existence of the bill while Parliament was not sitting. Opinions, therefore, being so divided on parts of the measure, he was surprised at the unmeasured language made use of by the hon. Baronet opposite, in expressing his opinions on the bill of the Government. The hon. Baronet had alluded to that portion of the Members of the House who were called Philosophical Radicals, and in doing so had not fairly described them. The Radicals were anxious to promote the welfare of the people; they were unwilling to support any measure directed against popular rights; and the hon. Baronet was therefore perfectly correct in saying, that they were indignant at such a measure as had been brought forward by the Government in regard to Canada, as they considered that measure a gross violation of the constitutional rights of the people of that colony. He hoped the hon. Baronet would allow him to draw a comparison between the measures of the Government and those which had been brought forward by the Friends of the hon. Member. The present Government had brought forward and carried many measures highly favourable to popular rights, and he and those with whom he acted, had always supported those measures; as their object was the attainment of the greatest good for all classes of the people. He could see no kind of comparison between the measures of the Government and those which had been brought forward by the right hon. Baronet, the Member for Tamworth; and he would ask the hon. Baronet opposite, to point out any measure of his friends calculated to meet the wishes and the wants of the people. The hon. Baronet had said, that the people were hostile to the present Government. He denied, that such was the case, although he admitted that the people were displeased with the measure proposed by her Majesty's Ministers with respect to Canada. But the hon. Baronet had not alluded to one measure of the Government, but to their general policy; and the people or at least a large majority of them, did approve of the general policy of Ministers. He did not give his unqualified support to either Whigs or Tories, and he only supported such measures of either party as he considered were for the good of the people. He certainly disapproved of some of the measures of her Majesty's Ministers, but he could not join in the general and unqualified censure of their conduct which had been pronounced by the hon. Baronet opposite. He had thought it necessary to say thus much on what had fallen from the hon. Baronet, and he should now proceed to direct the attention of the House to the Bill which was the subject of debate. Notwithstanding all that had been effected in the Committee in regard to the measure, he still entertained strong objections to it, because, in his opinion, it interfered unnecessarily with the constitutional rights of the people of Canada, and it was, therefore, a most improper measure to be passed by a reforming Ministry. The Government were powerful for doing evil, because their bad measures were supported by the Members on the Opposition benches; but if they brought forward good measures, tending to good government, and to promote the welfare of the people, then he was sorry to say that they failed, because they were met by the whole weight of Opposition of the other side of the House. He was sorry to see both parties supporting the present Bill, which was disgraceful to a reformed Parliament, and the general support of such a measure by a reforming Parliament made him feel the keenest regret. He would ask the noble Lord (Lord John Russell) to point out one valid ground for suspending the constitution of Lower Canada, and putting an end to the meetings of the House of Assembly of that colony. If the noble Lord meant to found his reasons for introducing such a measure on the revolt which had taken place, then he would tell the noble Lord that he had altogether failed, for the House of Assembly was not committed in the revolt, and had taken no part in it. The Assembly of Upper Canada was about to meet for the transaction of business, and the revolt was not terminated in that province, and he would ask why the Legislature of the Upper Province was to be allowed to assemble while the revolt was not terminated, and the Legislature of the Lower Province be prevented from meeting, when it appeared from the látest accounts that the revolt in Lower Canada was at an end? The noble Lord had placed the refusal of the supplies as his foremost reason for suspending the constitution, and he would read to the House the observations of the noble Lord in regard to this point of the question. The noble Lord had said — "In a constitutional government it was impossible, if the supplies were refused year after year, that the machinery of Government could go on. If in this country you were to refuse the supplies for a single year you would produce the most disastrous consequences. Refuse the supplies, and you disorganise the army; refuse the supplies, and you shake public credit to its centre; refuse the supplies and you dissolve the constitution." If the noble Lord acted on that principle, he was going to overturn the most important and valuable privilege of Parliament and of the Assembly. If the noble Lord said, that Parliament was not to refuse the supplies, then he knew of no other means in the hands of the representatives of the people, whereby they could resist a bad Government or a despotic Sovereign. If such a principle were acted on, the rights and privileges of that House were at an end. He held in his hand a resolution of the House of Commons in the year 1678, by which the House claimed that all Bills for aids to the Sovereign should originate with them, and in which they asserted their right to limit all such grants, and denied any power in the House of Lords to alter bills of supply. Now, he would ask the noble Lord whether he meant to support the principle contained in that resolution, and the principle laid down by Mr. Fox, in 1784? If he did, how came the noble Lord to act in opposition to it? In 1793, the House of Assembly of Lower Canada, passed a resolution similar to that passed by the House of Commons, and the very words used in the resolution of the Imperial Parliament were adopted by the Assembly. That resolution had been a standing rule ever since, and he would ask the noble Lord how, when that resolution only carried out the principle of the resolution of Parliament, he could object to the exercise of an acknowledged right? No fact had been stated to prove, that the House of Assembly had gone beyond their rights and privileges, and therefore in condemning them and suspending the constitution, the Parliament of Great Britain was acting in a most unwarrantable manner. In 1821, the Assembly voted the Governor's salary on condition that he resided in the province, and in the same way the supply bills of 1831-32, contained many conditions. The Governor, too, had sent a message to the Assembly, in which a wish was expressed that the different items should be distinctly stated, thereby encouraging the proceedings of that body. He contended, therefore, that the House of Commons were the guilty parties in seeking to punish the Assembly for the exercise of a right which they had been encouraged to assert. But there was no reason that the people should be punished because their representatives had refused the supplies, by such a tyrannical Bill as the present. Again, there was no valid ground for supposing that the leading Members of the Assembly, had been committed in the revolt; but, supposing that some members of that body had participated in the proceedings of the revolters, was that any reason why the privileges of a whole people should be taken from them, and that they should be deprived of a Legislative Assembly? Would hon. Members say that the condition of Wiltshire, Hampshire, and Sussex, in 1830, would have presented a valid ground for depriving the whole people of their representative rights; and would they not rather have proposed the immediate meeting of Parliament for the purpose of considering the disturbances which had taken place and providing a remedy? If the constitution of Canada was to be set aside on such frivolous grounds, he would beg hon. Members to reflect on the dangerous precedent they were affording to any despot who might ascend the Throne. It appeared to him a most serious proceeding, and he was sorry to find the House so generally in its favour. Vattel was an author very much quoted now-a-days, and Vattel had said that the people had a right to be well-governed, and at as cheap a rate as possible; and that if the people were deprived of these their inalienable rights by force or fraud, they would be justified in using every means in their power to recover them. Now, he would ask, had the Canadians been well governed? Had they known what it was to have good and cheap government? The reports of the Commissioners, from time to time, proved that they had not; and that considerable discontent had existed, and that the prosperity of the country had been checked for want of a good and cheap government. Was it a wonder, then, that the Canadians had acted against the existing Government? When they applied to that House last Session for relief, after having petitioned repeatedly, but in vain, for the same object, how were they treated? Instead of any conciliatory measures being passed by the House, severe resolutions were adopted—resolutions which, it appeared from the dispatches which had been received, had excited fresh discontent, and produced increased dissatisfaction. Lord Gosford had particularly pointed out the seizure of the money in the military chest as a great grievance. Would they, then, go on to add insult to injury? Ought they not rather to abandon this Bill, and immediately proceed to meet the Canadians on fair grounds, and concede to them everything they wanted? He was sure that this country could afford to do justice to Canada, and that without delay. They were not dealing with a doubtful case. They were appealed to by the representatives of 377,000, and those who opposed that appeal were backed only by 34,000. It was on behalf of that large number of people that he implored the noble Lord to consider whether the course he proposed to pursue was likely to produce any good effect. The noble Lord had on a preceding evening made some allusion to him and his hon. Friends, as being censurable for uttering inflammatory speeches, whereas they had only stood up to support liberal principles, and to protest against such tyrannical measures as the present Bill. A right hon. Gentleman on a former evening said, that nine-tenths of the miseries suffered by the Canadians had been brought upon them in consequence of their paying attention to the bad advice of persons in this country. Now, so far from he and his Friends having given bad advice, they had lifted up a warning voice to the Government, and called upon Ministers, from time to time, to reconsider and alter the policy they were pursuing towards Canada. But those who had followed that policy were beginning to discover the evil consequences of it, and therefore they endeavoured to shift the blame from off their own shoulders. He denied that the disturbances which had occurred were to be attributed to the course which he and his Friends had pursued. On the contrary, those were to blame who had delivered violent and abusive speeches in that House, calling Papineau à malicious demagogue and traitor. Yes, that was the sort of language which had led to the present state of things in Canada, the people of which had been called an ignorant people, and one right hon. Gentleman said, that not two in a hundred of them could write or even read. Language such as that had been coupled with a refusal of justice and a denial of reform. Ministers had said to the Canadians—"We will not give you reform—we will not redress your grievances; but we will do more—we will take the whole control of your money away from you, and rob your Exchequer." Instead, then, of blame being thrown upon him and his Friends, Ministers deserved all the blame, for their conduct alone had produced the mischiefs which were said to exist in Canada. Had not the right hon. Baronet opposite said, that he knew the resolutions which had been sent out would excite resistance, and that he blamed the Government for not sending out troops with the resolutions in order to enforce them? Therefore it was clear that Ministers by proposing and passing those resolutions had excited the revolt. The noble Lord the other night challenged him to propose a remedy for the evils in Canada, and he would now do so. First, he would advise her Majesty to direct an immediate redress of the grievances complained of in the petitions from Canada; secondly, the House should reject this Bill; thirdly, the first act of the Government should be to remove the Colonial Secretary (Lord Glenelg) from his office. Every dispatch proved that noble Lord to be incapable of carrying on the government of the colonies. He would not repeat what had been said the other night by the right hon. Baronet opposite, but he would assert that imbecility and want of management had marked the proceedings of the noble Secretary for the Colonies, though perhaps he meant as well as any man. Instead of sending Lord Durham out as a messenger of peace, or a dictator to act under Lord Glenelg, let Lord Durham take Lord Glenelg's office, and let the country see what he would do, and how far he would carry the principles which the Canadians wished to see adopted into operation. It would be better to do that than to pass this Bill, or to send Lord Durham out to Canada. Believing that the course proposed to be pursued by her Majesty's Ministers would be unproductive of any good, he should move as an amendment, "that the Bill be read a third time that day six months."

Sir *R. H. Inglis* did not rise for the purpose of following or answering every statement made by the hon. Member for Kilkenny, who, however he might think the principles which he was accustomed to advocate were popular, was himself no proof of their popularity. He would not, like the hon. Member, be tempted to enter into the merits or otherwise, of the present Administration, nor at this hour, when he could not believe there was any real intention, notwithstanding the amendment had been proposed, of taking the sense of the House by a division, should he enter into the general question of the proceedings and policy of her Majesty's Government either before the rebellion and revolt in Canada or since, with reference to the best mode of proceeding. He rose for the single purpose of urging her Majesty's Ministers to remember, that even if at this moment the rebellion were suppressed, from that moment their difficulties began. They would have then to deal with a people divided in religion, divided in blood, and divided in all the pursuits of civil life: Protestant and Roman Catholic; English and French; commercial and agricultural. He conceived that a great mistake had been committed on the first annexation of Canada to the Crown of England, when a marked prominence was given to the religion of the conquered people. This had been ably urged a week ago by his hon. Friend, the Member for Droitwich: and he (Sir R. Inglis) desired again to urge, not the mere expediency, but the duty of the Government to pay just attention to that subject, when, as now, the whole constitution of Canada was open to revision. If the plan suggested by his right hon. Friend, the Member for Tamworth, in his speech on Thursday or Friday night last, to unite the four great provinces of the North American possessions into one great dependency, were adopted, as his other suggestions had been adopted, then it was quite clear—the majority of the inhabitants, being persons attached by Protestantism, by language, and by blood, to the mother country—that it would be compatible with the preservation of our supreme power to leave to the Roman Catholics and the French Canadians the fullest exercise of their present privileges, and yet, at the same time, to repair the mischiefs already committed by giving a just prominence there to the Established Church of this country. He trusted that the present opportunity would not be lost for accomplishing this object; and that the noble Lord opposite (Lord John Russell) would not be deceived by the hon. Member for Kilkenny as to the relative numbers in those dependencies. In them there is an overwhelming majority of persons deeply attached to England, and connected by religion, language, and by blood with it; and he therefore called upon her Majesty's Ministers to protect those persons against the inroads upon their civil and religious liberties which a majority of French Canadians in the House of Assembly so much endangered. Regarding the mistakes committed in 1763, in 1769, in 1774, and, above all, in 1791, as the great and fundamental errors of the policy of this country with regard to Canada, he hoped that an endeavour would be made to remedy, so far as the Imperial Parliament could remedy, the evils which exist, and to continue, or rather to restore and enlarge, those religious advantages which he thought the subjects of this country ought to carry with them wherever they might, with the permission of the Crown, be located. It had been stated correctly by his hon. Friend, the Member for Droitwich, the other night, that at the present moment no provision was made, either by the local legislature in Lower Canada, or by the executive government, for the maintenance of the bishop of the Church of England, who was still placed there. He believed that that individual was enabled to discharge his functions by means not derived from either of those bodies, and he called upon the Government to remove the disgrace of such a state of things as the placing such an individual in a prominent situation without supplying him with the means of maintaining his efficiency. Without going into the Canadian question generally, he felt bound to state that he could not but look with almost unmixed pain on the conduct which had been pursued. He trusted that the remedy proposed by the Bill as it stood would be effectual—it might, perhaps, have been spared, if vigorous measures had been taken before. The Bill improved, as it now was, had his most cordial support.

Mr. Alderman *Thompson* said, the hon. Member for Kilkenny had observed that the House of Assembly in Lower Canada had not been guilty of any infraction upon the principles of the constitution of that colony, and the hon. Member had asked her Majesty's Ministers and the Parliament why, by such means as this Bill, they sought to put an end to the House of Assembly? He had no difficulty in supplying an answer to that question. It was a fact well ascertained that several members of the House of Assembly were already in gaol on charges of high treason, and by the last accounts which had been received from that province, it appeared that rewards had been offered for the apprehension of not fewer than twelve other Members of that body upon similar charges. He asked, therefore, whether under such circumstances any rational man could think of continuing that legislative body with any hope or expectation of legislation from it calculated to tranquillise the province; on the contrary, could any being doubt but that the assembling such a body would add to the agitation which unfortunately already existed there? The hon. Member for Kilkenny had designated the Bill as a despotic measure; he concurred with the hon. Member in thinking that it was a strong measure; he believed that in the history of Parliament its parallel was not to be found. But did history present any similar necessity for such a measure? He believed from the best consideration he could give to the question that this was a Bill of justice and expediency. It was a measure of justice to give protection to the properties and persons of a very large proportion of the inhabitants of that province who were loyally attached to the connexion with this country. At the same time, he must admit, that there were numbers in revolt who claimed a redress of grievances, but those persons neither possessed the property nor the intelligence of the other portion of the population, and their leaders were not distinguished either for their talent or their courage. He contended that the Canadians, having all the rights and blessings which the British constitution bestowed upon them, had no just cause of complaint. Upon some temporary matters differences might have arisen, but for the settlement of those differences a ready manifestation had always been shown by the mother country. But when their demands were for a change in the Legislative Council, making it elective, and for having the control of the executive government, then it became necessary to resist them. If those demands had been conceded, a republican form of government would, in fact, have been established, and it would have been impossible to continue the connexion now existing between this country and Lower Canada. He believed that in the whole history of the colonies of this or of any other country, not an instance could be found where so much favour and generosity had been shown as had been shown in the course of the legislation of Great Britain in regard to Canada. Their corn, their wood, and their ashes were allowed to be imported here with almost a nominal duty. Was that the case with any other colony? Certainly not. He believed that by the present rebellion the greatest infliction had been committed upon the people of Canada that had ever befallen any set of men. British capital, while tranquillity existed there, was flowing in at an immense rate. Banks were established with large capitals—great public works were carried on with money belonging to individuals in this country—all these advantages had been suspended; but he hoped that tranquillity would soon be restored so that no great interruption might be given to that disposition which existed to resume and continue those advantages to the colony. At the same time, while he made these observations, he begged it to be distinctly understood that he went a great way beyond many hon. Members in blaming the policy of her Majesty's Government with regard to their proceedings in Lower Canada. The hon. Baronet, he Member for Buckingham (Sir H. Verney), had stated that a sufficient force was in Canada at the time of the breaking out of the revolt, and that the event had proved the accuracy of that statement. He denied the truth of that assertion. He would contend that if a larger force had been in Lower Canada, to aid and support the civil power in the maintenance of peace and tranquillity, no revolt would have taken place, and we should have been spared the horror of shedding so much blood for the purpose of suppressing that revolt. He knew not whether any inquiry would be instituted with regard to the conduct of Government respecting Canada at the bar of this House; but sure he was that there was evidence sufficient in the documents which had been laid before the House to justify such an inquiry; and independent of those public documents, he, of his own knowledge, knew that for a period of more than two years representations had been made by the merchants of London engaged in trade with Canada, almost weekly, but certainly monthly, to the Secretary for the Colonies, of the state of alarm and dismay which existed in Canada in consequence of the tumultuous proceedings of large bodies of armed men. But to these representations no heed whatever was taken, and the present crisis had unfortunately followed. He must say, that the measure before the House had his entire concurrence.

Mr. *Grote* said, that the hon. Member who had just sat down, and who declared himself a supporter of this measure, had told the House, nevertheless, that it was a strong measure, which had no parallel in British legislation. The description which that hon. Gentleman had thus given of the measure must serve as his excuse for troubling the House with a few observations at this its last stage. He desired to enter his protest against the third reading of a measure of this severe description, though he was well aware how unavailing such a protest would be. The hon. Baronet, the Member for the University of Oxford had stated one thing which was most true, and which deserved to be well laid to heart by every Gentleman who considered this subject. He had said when this rebellion should have been put down, that at that moment the real and greatest difficulties of the Government would commence. That was his opinion, too, and it was because he entertained that opinion, and strongly entertained it that he was the more strenuous in his opposition to the present Bill; and because also it was his opinion, that while the Bill would remove none of the existing difficulties, it would add very much to some, and those the most serious of them. He foresaw no consequence likely to arise from this Bill so imminent and inevitable as the multiplication of discontent and irritation throughout the province in the minds of men; of those, perhaps, who as yet had taken no part in the revolt—and that of the most dreadful and deplorable kind. He saw in the Bill no remedy proposed for any of the evils that now constituted the grievances of the Canadians, while he saw in it one great grievance added to those already existing, of which, even those who had hitherto abstained from taking part in these matters could hardly fail to feel the weight and the burden. The alterations made in the Bill since the second reading were not of a nature to make much alteration in his opinion. His opinion was pronounced upon it when the preamble still remained as the noble Lord originally introduced it; and it was for those gentlemen who had been wedded to the Bill on account of the preamble, and who were inclined to pardon the severe measures which the Bill itself sanctioned, in consequence of the beautiful phrases put forth in the preamble—it was for them to express the regret they must feel at missing so important a part of its features; but for his part his objection was founded on the nature of the enacting clauses, and those clauses remained still unaltered, or, if any thing, they were rather aggravated. But if those clauses in themselves appeared to him severe, objectionable, and calculated to create a strong sense of anger and discontent in the minds of those who were to be subject to them, he would say, that the nature of those clauses was extremely aggravated, when they were taken in conjunction with the speeches uttered in that House by those by whom they were supported. For the tenure of those speeches led him to foresee only one consequence from the suspension of the Canadian constitution, which was this—that instead of that genuine and faithful representation of the people, which was now the most important element of the Canadian constitution (for we should not have that element restored to its present state) we should have the representation of the people cut down, abridged, and reduced to a name. It would be a name and a shadow, instead of a substance and a reality. When he recollected, too, the suggestion of the hon. Baronet, the Member for Caithness, in which he dwelt upon the necessity of raising the qualification of the electors of Lower Canada—coupling that with the declarations made by certain influential Members on the Ministerial side of the House, and more especially by the right hon. Gentleman, the Member for Coventry, and the hon. Member for Lincoln, insisting, as they did, upon the gross ignorance and incapacity of the Canadian people—he could not misinterpret these indications. He could not draw any other inference except that the present representation of the people—large and faithful — would be exchanged for one neither large nor faithful; but the representation of a part of the people instead of a representation of the whole. He, at any rate, would not lend his hand to the destruction of the representative institution, which at least had the merit of faithfully representing the people of Canada, in the present state of precariousness and uncertainty as to what he should get in its place. He must say, it was to him a rather remarkable circumstance, a strange and preposterous revolution, when he found that that side of the question which was called the Conservative side, was, on this occasion, left to be supported by some twelve or fifteen extreme Radicals, and that those who, on all former occasions, were the unyielding advocates of every existing institution, and the stern opponents of all innovation and change, were now the most earnest in the work of destruction. When it was said, that the Canadian constitution had been found not to work as it was intended to do, his reply was, that if that were the case the fault was with the Executive Government, because the Executive Government had not thought fit to use the prerogative which the constitution intrusted to them. It remained only with her Majesty's Government to improve the Legislative Council, and introduce harmony between the different branches of the Legislature, by appointing such Members to the Legislative Council as would be acceptable to the majority of the people. This would have been no innovation. It would have been the exercise of the very prerogative which was given to the Executive Government by the constitution of 1791, and which was, at that time, highly appreciated as a power vested in the Government for the best of purposes, though it now appeared to be renounced by every one. If, then, the Executive Government did not think fit to exercise that prerogative, surely they had no right to come and tell us that the constitution was unworkable, and that there was no remedy, except to destroy that constitution altogether. He denied the inference, and would contend that it was entirely in consequence of the want of a timely and proper exercise of the prerogative of appointing Members to the Legislative Council that this evil had arisen, and that they were now called upon to enact this destructive measure. Had that power been used, harmony would have been restored, and the constitutional government of Lower Canada would have gone on prosperously up to this hour. They might easily foresee the difficulties which would open when this suspension of the constitution should have been once brought into operation, hearing, as they had done already, an hon. Gentleman, who was a staunch supporter of the measure, proposing to her Majesty's Ministers to saddle the colony with the Established Church. A very pleasant prospect it was to be called upon to sanction, the annihilation of one of the few representative assemblies which really did represent the people, and put in its place a well paid Established Church. The same reasons which led him to wish to improve those representative institutions in this country, which imperfectly and unfaithfully represented the people, and by so improving them to make them the faithful representatives of the people, induced him to be strenuous in preserving this Canadian assembly, which did really and truly represent the people; and he should, therefore, be found on his side maintaining a strong Conservative line of conduct when the thing to be preserved was the most valuable jewel which a people could possibly possess. He doubted and mistrusted the power of the Government to restore this assembly, and he did not feel confident that it was ever their wish to do it. But most certainly when he observed, that during the progress of the Bill through the House, the noble Lord, the Secretary of State for the Home Department, had been compelled to abandon the preamble for the purpose of conciliating the support of the right hon. Baronet, the Member for Tamworth, he knew that whatever new constitution it might be deemed proper to give to Canada, it would not be only what the noble Lord himself might approve of, but what the right hon. Baronet would also approve of; and having heard that right hon. Baronet accused by hon. Members in that House of entertaining a distinct hatred of all representative institutions—though, in the present instance, he did not conceive that the right hon. Baronet was deserving of that reproach more than the noble Lord himself—he could not help appealing to hon. Gentlemen who supported this Bill to say what ground they had for believing that they should ever get back such a constitution as that now existing when it should be once destroyed, seeing that it could only be restored with the approbation of a right hon. Gentleman who was opposed to all representative constitutions. In spite, therefore, of the great volume of debate which had been poured out upon this question, he had heard nothing to alter the conviction he entertained when he first delivered his opinion upon it. He feared that they had sown injustice, and that they would reap trouble and calamity. Whatever the present grievances of the Canadian people might be (they seemed to be almost on all hands admitted, as well as the necessity of redressing them), he felt that by this measure they were about to add one more grievance of so serious a kind, that the people of Canada would be led to entertain feelings of discontent and irritation, which it would be exceedingly difficult for any party, however good their intention, ever hereafter to eradicate or subdue.

Mr. *Warburton* entirely agreed with what had fallen from the hon. Member for London, that by this measure they were destroying a free constitution to have, probably, in its place one approaching despotism. They were not only effecting a revolution, but they were doing so in the spirit of those revolutions that were occurring in South America. But what he would contend for, as he had on former occasions, was, that as England must cease to govern these states at no remote period, it ought to treat them with all the consideration due to their future greatness. He knew it was a humiliating thing, and unfavourable to national pride and national vanity, to think of the necessity of contracting the limits of empire, and to part with what was fancied to be among the most valuable of the national possessions. He said fancied to be so, because it did appear to him as rational to talk of the moon belonging to ourselves, as to talk of a great and extensive territory 3,000 miles away from the mother country being a part of our empire. But he really thought if they looked at the great, and glorious, and godlike work of establishing a great and free republic out of the incoherent elements, such as the provinces of Canada were, they would feel that it was an object worthy the ambition of a great and powerful nation. It was a great act for a state like this to accomplish. He believed that the people of this country would reflect on this; and that they now felt that it was a greater honour to have raised a mighty republic like that of the United States, than to have subjugated India. If the people regarded the honour of having raised up such a free and great state, and would then consider what the united provinces now forming our North American colonies might become, if fostered in a similar manner, they would have a great and important object before them in the furtherance of which all conflict of party feeling would cease, and there would no longer be called for measures of severity towards provinces that were now alienated and discontented. He hoped that these considerations would reconcile the people of this country to that separation which either now, or at an early period, must take place, and that they would have their attention fixed upon the necessity that must soon arise for such a separation. He trusted that the glory of having been the parent of a great, an extensive, and a free state would be considered a sufficient reparation to them for the apparent sacrifice of the national honour. Condemning it, as he did—hoping, however, that it would not have any of those melancholy results which he anticipated from it—he would avail himself of the present opportunity of passing his last malediction on this unfortunate Bill.

Mr. *Borthwick* said, that the hon. Member who had last spoken had forgotten that this was not a permanent but a temporary measure, which would afford an opportunity to her Majesty's Government to give such a constitution to Canada as would be agreeable to the feelings of the people of that country. He expressed his astonishment at the recommendation which had proceeded from the hon. Member for Bridport, that we should erect a republic in the Canadas, and observed that he could not think a republic a legitimate offspring of Great Britain. He relied on the loyalty and good feeling of the people of Lower Canada, and believed that they would not be deluded by their late leaders any longer. He thought that if the people of Canada were solicited by those who had now deserted them to raise again the standard of revolt, they would say, "How shall we trust to you? How follow where you lead? Where we thought you lions, ye were hares—where foxes, geese." He must say, however, that if her Majesty's Government had interfered in proper time to suppress the treasonable language which had been employed, we should not now have had to deplore the loss of life and property which had taken place.

The House divided on the original motion:—Ayes 110; Noes 8: Majority 102.

List of the AYES.

Adam, Sir C.
Aglionby, Major
Alston, R.
Attwood, W.
Barnard, E. G
Bateman, J.
Bentinck, Lord G.
Bernal, R.
Bewes, T.
Blair, J.
Blennerhassett, A.
Borthwick, P.
Brodie, W. B.
Busfield, W.
Byng, right hon. G. S.
Carnac, Sir J. R.
Cayley, E. S.
Chapman, A.
Clay, W.
Collier, J.
Craig, W. G.
Dalmeny, Lord
Darby, G.
Denison, W. J.
D'Eyncourt, rt. hn. C.
Duke, Sir J.
Duncan, Viscount
Dundas, hon. J. C.
Easthope, J.
Eaton, R. J.
Evans, Colonel
Fazakerley, J. N.
Ferguson, Sir R. A.
Fergusson, rt. hn. R. C.
Fitzalan, Lord
Forbes, W.
Freshfield, J. W.
Gibson, J.
Grey, Sir G.
Grimsditch, T.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Heathcoat, J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, R.
Horsman, E.
Hoskins, K.
Hughes, W. B.
Hutton, R.
Inglis, Sir R. H.
James, W.
Jenkins, R.
Loch, J
Lockhart, A. M.
Logan, H.
Mackenzie, T.
Mackenzie, W. F.
Macleod, R.
Macnamara, Major
Martin, J.
Marton, G.
O'Ferrall, R. M.
Palmerston, Viscount
Parker, J.
Perceval, hon. G. J.
Philpotts, J.
Planta, rt. hon. J.
Plumptre, J. P.
Poulter, J. S.
Protheroe, E.
Reid, Sir J. R.
Rice, right hon. T. S.
Richards, R.
Russell, Lord J.
Salwey, Colonel
Sheppard, T.
Stanley, E. J.
Stanley, W. O.
Steuart, R.
Stewart, J.
Stuart, H.
Stuart, V.
Strutt, E.
Style, Sir C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thompson, Alderman
Thornley, T.
Tufnell, H.
Vere, Sir C. B.
Verney, Sir H.
Walker, R.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Wilberforce, W.
Wilshere, W.
Winnington, T. E.
Wood, C.
Wood, Sir M.
Worsley, Lord
Yates, J. A.
Young, G. F.

TELLERS.
Gordon, R.
Seymour, Lord

List of the NOES.

Attwood, T.
Baines, E.
Currie, R.
Leader, J. T.
Molesworth, Sir W.
Wakley, T.
Warburton, H.
Williams, W.

TELLERS.
Hume, J.
Grote, G.

On the question that the Bill do pass,

Sir *E. B. Sugden* rose to make one observation, which was, that the alterations introduced into the Bill had verified the prediction of his right hon. Friend (Sir R. Peel), that the instructions from Lord Glenelg to Lord Durham would never be carried into effect, and would not be acted on, for, as the Bill was now framed, it would be impossible for Lord Durham to call together a convention; and the noble Lord was now deprived of the power of making an infraction of the Canadian and the English constitutions. Ministers had, by their alterations, left the Bill precisely in the state in which the hon. Member for Tamworth wished it to be, for the noble Lord (Lord Durham) would only have the exercise of the prerogative at his command, and he would be a bold man who would venture to use it in calling a convention.

Sir *George Grey* in a matter of mere law would be sorry to put his opinions in competition with those of the hon. and learned Gentleman; but he must say, that in the present instance the hon. and learned Gentleman was wrong; for in the instructions given to Lord Durham, that noble

Lord was not authorised to call together an assembly having legislative power, but only a body of persons to give him advice, which was not repugnant to the act of 1791, nor to any other act, and on which there was not placed the slightest obstruction by the Bill which had been read a third time.

Mr. *Wakley* said, that the only reason why the House had been induced to look with the slightest favour on the Bill of the noble Lord was the circumstance that it was to be carried into execution by the Earl of Durham, and from the consideration, founded on his Lordship's character, his energy, and his discretion, and also of his love of liberal principles, that the House had a security for the discreet, firm, and fair exercise of those powers. But it now appeared that the noble Lord would not reach Canada till the end of April or the beginning of May, and in the meantime it was proposed to allow the act to be carried into effect by the commander-in-chief; and he (Mr. Wakley) therefore wished to direct the attention of the House and of the Government to the accounts which had been received from Canada of desperate engagements, or he should rather say massacres, which had taken place there, and which were of so sanguinary a nature as not to be described in the English language, and the recital of which could not but harrow up our feelings. In *The Morning Chronicle* of that morning, he found it stated that Colonel Maitland "detached the grenadiers, 1st and 2d companies, to favourable positions, to intercept any of the rebels attempting to escape from the church, and which answered effectually, as upon the taking of that building a number of the rebels fell under the fire of part of those companies;" and it was added, that they afterwards set fire to the church itself. This statement was received from Sir J. Colborne, and was published in a supplement to *The London Gazette* of Friday last. He would ask, what description of force could have been employed against the Queen's troops when only one of them was wounded? and yet they set a watch round the church to destroy any who tried to effect his escape. Was such conduct as this to be borne—was it to be tolerated? Was this a Christian land—did we live under a Christian government? Was it in such scenes as these that we could boast of the religious institutions of this country? In his opinion, it cast a stigma on the character of the whole country, and could it give rise to anything but deep indignation? He did not say that such conduct received the sanction of the Government, but as it had taken place, it behoved Ministers to step forward at once, and in a bold and energetic manner, and to tell Sir J. Colborne that he had gone beyond his duty of simply maintaining the laws when he indulged in vengeance. Again, he found from the accounts of Upper Canada, that Indians were engaged in the war. Were they chosen for this duty because of their known cruelty in their conduct of war? Did the Government sanction the marching or conveyance in steam-boats of 250 Indians, in company with one of the regiments assisting Sir F. Head? It was the custom of some hon. Members to say, that it was the exciting language held by other hon. Members which induced the Canadians to revolt; but he must say, that the revolt was caused by the conduct of the Imperial Legislature, which had abolished the Canadian constitution, or had completely neutralised its powers, and by these acts seemed almost to have driven the Canadians to the necessity of revolt. He again protested against the bill. As the insurrection had been put down, he held it as an unnecessary and unconstitutional proceeding, and as placing a blot on the English legislation, which it would take years to wipe out.

Lord *John Russell* observed, that the only part of the hon. Member's speech which required any notice from him, was that in which he had quoted the statements appearing in *The London Gazette.* He knew, that the hon. Gentleman had no wish to make any misrepresentation, but he must have misunderstood the passages in the dispatches of Sir J. Colborne, Colonel Maitland, and other officers. The fact was, that the circumstances referred to, were amongst the usual occurrences of war. There were many persons in the church; it was fortified and made a place of offence, from which the British troops were fired upon, and, according to the laws of war, it was destroyed; and if troops, marching through a village, were fired upon, the usual measures of war were taken. If those who had surrendered and had laid down their arms, had not received quarter, then, indeed, the hon. Member's observations would have been just; but he did not find any such statement in the dispatch. But not only should those who did lay down their arms be received as prisoners, but it was necessary that the best means should be taken to prevent the others from retiring as a body in arms, and from taking up another position from which they might again attack the troops. The hon. Member had said, that there could not be much resistance, as only one soldier had been wounded; but this only showed how little discipline had been used to enable men to cope with the British empire, as well as the extent of the rashness and the guilt of the persons who had induced the Canadians to revolt. With regard to the Indians, he could only observe, that they were not employed as a regular military force; some had attended Sir F. Head, but the circumstance was of a totally different nature from what had been stated. All the troops had been removed from one province, and the militia was called out to meet several persons who were collected on the road to Toronto, and who had commenced the outrages by murdering a military officer who had retired from the service after having greatly distinguished himself in war, who was living with his family, and who was murdered on his road to the city. When persons were thus attacked, it was possible that all the inhabitants, British, Canadian, and Indian, should unite to put down the insurrection, acting, as they did, under fear of their lives and property. This was, however, an entirely different description of measure from that which was taken by Sir John Colborne, which did not affect the propriety of intrusting the powers of the act to that officer before the arrival of Lord Durham, and which were under present circumstances placed in his hands.

Bill passed.

HOUSE OF LORDS,

Thursday, *February* 1, 1838.

MINUTES.] Petitions presented. By Lord BROUGHAM, from Mr. John Arthur Roebuck, praying to be heard at the bar against the Canada Government Bill; from the Baptist Congregation at Cupar, against addiitonal Church Endowments in Scotland; from Annan, for an Extension of the Suffrage, the removal of property qualifications for Members of Parliament, Annual Parliaments, and Vote by Ballot; from Dumbarton, in favour of the Ballot; from Annan, in favour of Mr. Rowland Hill's Postage plan; from Cupar, praying their Lordships to resume and pass the Irish Municipal Bill; from the same place, in favour of the Scotch County Gaol Bill; and from Portsmouth, in favour of the emancipation of the Jews,

HOUSE OF LORDS,

Friday, *February* 2, 1838.

MINUTES.] Petitions presented. By the Earl of SHAFTESBURY, from St. Giles's, for adopting Mr. R. Hill's plan for the Post-Office.—By the Earl of RADNOR, from Wigan, for the abolition of Negro Apprenticeship; and from Bridgenorth, in favour of the Ballot.

AFFAIRS OF CANADA.] The Order of the Day for the second reading of the Canada Government Bill was read.

Lord *Glenelg* said: My Lords, I rise, with pain, to address you on the important subject of the present bill; for I can assure you, that to have to propose, that the constitution granted to one of our colonies be, even for a time, withdrawn is no very agreeable duty. If I were to address your Lordships at length, and at all proportionate to the vast importance of the present subject, I fear I should, this evening, have to trespass upon your attention for a very considerable time. I am, however, relieved in a great measure from such a task, because the subject is not at all new to your Lordships, having already, on frequent occasions, been brought before you. My Lords, the bill, the second reading of which I now move, comes up to us, with the sanction of a very large majority from the other House of Parliament, and I trust it will also meet your Lordships' approbation. The character of this bill is one which, I admit, can only be justified by the necessity which the case creates for it, and, unfortunately, the necessity of the case, in the present instance, is so notorious as to present itself to the observation of the most casual spectator of passing events. The simple facts of the case, I apprehend, are amply sufficient to justify the measure. From the papers on your Lordships' table, and the acts which are known to the world to have occurred in the province of Lower Canada, it appears evident that the constitution bestowed upon the Canadas some forty or fifty years ago has, in truth, ceased to operate. That constitution during the first twenty years was in a state of abeyance, but during the last twenty-five years it has been in a state of constant struggle and progress; but it has been admitted that parts of it had not, to use a common phrase, worked well together, and had not properly performed their functions; and, notwithstanding the constant endeavours made to enlarge its operations, it had become at length almost paralysed. The result is, I apprehend, not to be questioned by any one, namely, that the constitution of Lower Canada is, at the present moment, actually suspended. I do not wish to inquire to whom this state of things is to be ascribed, whether to the House of Assembly or the Legislative Council, or to both. I merely state the fact as a simple and sufficient ground for the measure which her Majesty's Ministers are now compelled to propose for the temporary government of the affairs of that colony. Now, this being the actual state of things, the constitution of Lower Canada having ceased to be in operation, we must at once revert to that power from which that constitution originally emanated —that is to say, Parliament must interpose to protect the society of the colony, and to hold together those very principles by which alone the safety and interests of society can be maintained. I know it has been said, that instead of calling on Parliament in the present emergency, it would be practicable and even advisable to summon the existing Assembly, and make another experiment to ascertain whether the functions of Government can be discharged in the colony. I must say, however, putting out of view the peculiar circumstances connected with the various Members of that Assembly, that such a step would only prepare the way to another disappointment, and to a fresh suspension of all constitutional functions. There is, indeed, another proposition upon which the Assembly might again be convened, and that with some prospect of its performing its functions; and that is, that Parliament should at once concede all those demands which the Assembly has preferred as the only condition upon which it will resume its functions. But what are these demands? They are various, but the principal and cardinal one of them all is, that the elective principle should be extended to the Legislative Council. I will not stop to inquire whether such a proposition as this is right in itself, or whether, under the peculiar circumstances, it would be applicable to the Legislative Council of Canada. I will merely remind your Lordships, that not many months ago both the Houses of Parliament pronounced a negative upon that proposition, and, having pronounced that negative, I do not think it would be politic to retract it. That negative was pronounced, after a complete review of all the circumstances connected with the affairs of Canada, and nothing has since occurred to induce us to alter our view. Having refused these demands when they were made to us in a menacing tone certainly, but still not enforced by show of arms, in 1836, I think we can hardly concede them when they are demanded of us with an appearance of armed hostility. I think it unquestionable, that Parliament is called upon to interpose its authority on the present occasion, and the only question now appears to me to be, with what intention it should so interfere. One great object, in the first instance, should be to allay those animosities which at present exist in the colony, whilst the ultimate object should always be held in view of restoring to these provinces the advantages of the principle of the constitution of 1791, adapting it of course to the change of circumstances which has taken place, and consistently with a preservation of the interests and well-being of all classes of her Majesty's subjects. It is admitted, on all hands, that there are defects in the constitution of 1791, and what those defects are it becomes the duty of Parliament to ascertain from those who are best able to give an opinion on the subject, and to remedy them as in its wisdom it may think proper. The constitution relates to two provinces, namely the upper and the lower province; and when Parliament comes, I hope at no remote period, to reconstruct that constitution, it will be its duty to ascertain the wishes of both those general communities on the subject of any proposed arrangements. Parliament should not act upon the views or wishes of persons from one province alone, but of such persons from both those provinces as might be considered best informed and to have much at heart the wishes and interests of the two provinces. Of this branch of the subject I am not prepared at the present moment to treat, nor do I think, that in the present time of excitement and of extreme agitation which exists in this colony, any constitution, however wisely made, however wisely adapted to the general feelings of the people on ordinary occasions, would be called into operation with advantage to the people. There is already much to be done in allaying feelings of hostility and irritation, which must I apprehend necessarily be allayed before we can hope to bring any system of constitutional Government into successful operation. It is obvious, therefore, that there must be an interval before we again introduce the constitution, improved and re-adapted as I propose that it should be. During this unavoidable interval it becomes equally necessary, that the Government of the colony should be carried on, and that as appears by the title of the bill, is the object of the present measure. This bill proposes to vest the Government of Canada in a governor-general and council, armed with legislative power, and limited in their authority to a fixed period of time, it being provided also that the laws enacted by their authority shall not endure beyond a given time. Having explained the character of the measure, I at once admit, that it is one which can only be justified by the exigency of the times and circumstances. But I think it appears obvious that as the old constitution no longer exists, and no new one can at present be called into operation, some provision must be made in the meantime for the government of the colony. The scheme of Government which this measure proposes is no doubt a great departure from the constitutional principles of Government; but being compelled to relinquish that principle by the exigencies of the times, there is no alternative left us but to resort to a Government of power and authority, in order to ensure a better state of things. But if we are compelled to depart from the constitutional principle in the present instance, the Canadians have at least this advantage, that the period of such departure from their accustomed privileges is fixed and determined by the bill itself; that the measure carries with it its own period of existence, and so cannot by any means be made whatever may be done under its provisions, the basis of any system hereafter to be pursued not founded upon liberal principles. As I have already said, the bill proposes a temporary system of government, during the operation of which it will be the duty of Parliament to consult upon the interests of the Canadas, so as to arrive at a better permanent system of Government than that which at present exists; and therefore this proposition is accompanied by a declaration that Parliament does not intend it as a permanent system of Government. The language of Parliament on the present occasion is, not that it was entering upon this course in the character of vindictive judges, that the Canadians had behaved ill, and therefore that they should be deprived of their constitution for ever; on the contrary, Parliament, in passing this measure, distinctly proclaims "We do not ask whether there be delinquencies or not, but we look to the existing state of society in the colony, and to the constitution under which it is or has until recently been governed; and, admitting that this constitution has failed in many particulars to work the purpose intended by it, we come forward as arbiter between contending and hostile parties; and although we appear in the character of arbiters, and although we fix for a time an arbitrary authority in the colony, our anxious object is to return as soon as possible to a wise and liberal system of Government, believing that it will not be long before we shall be able to do so under bright auspices." Much undoubtedly will depend upon the character and judgment of the noble person who will be sent out in the important station of governor-general; and I think that every reliance is to be placed upon the noble Earl who has been appointed to the office, and I have no doubt but with that assiduity, impartiality, and liberality which distinguish that noble individual, he will be enabled to digest such measures as may eventually accomplish the object which we all have in view. Such is my opinion; and such is the simple and plain statement of the case which I have to make. I think it is not necessary for me to trouble your Lordships further than to express a hope that, whatever may be your Lordships' opinion upon other matters connected with the subject, you will at least think that the necessity of the case justifies the measure which I propose. The noble Lord then moved that the bill be read a second time.

The Earl of *Aberdeen* expressed his concurrence in the measure, which he hoped would receive the general, if not the unanimous, assent of their Lordships. He trusted when the necessity which called for this measure had passed by, that a Government founded on such a basis as would secure the rights and liberties, and protect the interests of all classes, would be established in Canada. Grieved as they must all be that such a measure was necessary, he did not think that they would differ materially in taking this step. They must, however, necessarily be expected to come to this discussion entertaining various opinions on different parts of this subject, with respect to past transactions, and especially with reference to the conduct pursued by her Majesty's Ministers in dealing with Canada. He was glad to be able to approach this subject with calmness, and he rejoiced that the state of the country was such that their Lordships might hope to place themselves in a position, which would enable them to look at it dispassionately, and without any feelings of prejudice. He would say, then, that there never was, in the history of the world, a revolt less provoked, or which presented less defensible grounds for rising, than the revolt in Canada exhibited. At the same time he must declare his opinion, that this was a case of so peculiar a nature as would justify the largest extension of mercy, consistent with civil tranquillity and safety. The inhabitants of those provinces, he fully believed, were naturally the best disposed, and would be amongst the most thriving, happy, and industrious people on the face of the earth, if unfortunately, they were not exceedingly ignorant, and therefore easily to be led astray by wicked and designing men. A certain degree of information was necessary for the proper exercise of political rights and privileges, and the noble and learned Lord opposite, in introducing his bill on education, expressed himself friendly to the principle of extending instruction to the colonies. Now he would ask how the Canadian provinces stood in that respect? Why, it was well known that nine-tenths of the population could neither read nor write. This ignorance was not confined to the elective body. He believed the fact to be, that representatives, members of the House of Assembly itself, might be found in the same situation. Now, with a population of this kind, what might be done by wicked, artful, and designing men could easily be imagined. He should, however, be very unwilling to support a measure of this description without the most full and adequate cause being laid before Parliament. He thought that no slight or trifling disturbance would afford sufficient reason for adopting it. He could easily imagine an outbreak of a similar kind which would not by any means justify a call for such a measure. But the noble Lord had told them that the constitution of Canada was already suspended. That effect was produced by the proceedings of the malcontents there—a circumstance which ought to be especially observed. The House of Assembly would grant no supplies—they pushed to the utmost extent the authority with which they were intrusted for the good of the colony. Now, admitting that such an exercise of power was strictly in conformity with the spirit of the constitution, still, it was evident that the adoption of such a course must, in the end, lead to the climax of anarchy. The House of Assembly refused the demands of her Majesty's Government. They would not provide for the judges and other public functionaries. They declared that they would not meet to transact the business of the colony, until all their demands were satisfied; the chief and principal of these demands being to remodel the constitution —that constitution under which they derived their own political existence. He had no wish to drag their Lordships through the mazes of this Canada question, but there were one or two facts connected with it which fully justified the vote they were then called upon to give. He was by no means disposed to deny that there was a time in which the Legislative Assembly of Lower Canada might with fairness and justice have complained of grievances, and have reasonably called on Parliament for redress. That time existed previous to the year 1828, but in that year the attention of Parliament had been most fully and minutely called to the state of the Canadas, and the complaints of the Legislative Assembly of Lower Canada. A committee had been appointed in that year at the recommendation of the then Colonial Secretary, and perhaps a committee comprising men of greater ability or more competent to the task they undertook, had seldom been appointed. After having paid the greatest possible attention to the whole subject, it made its report, and that report was received by Parliament with the utmost satisfaction, and with a disposition to carry its recommendations into effect. How had that report been received by the House of Assembly of Lower Canada? In their address to Sir James Kempt they say:—

> "The charges and well-founded complaints of the Canadians before that august senate were referred to a committee of the House of Commons, indicated by the Colonial Minister; that committee exhibited a striking combination of talent and patriotism, uniting a general

knowledge of public and constitutional law to a particular acquaintance with the state of both the Canadas; formally applauded all the reforms which the Canadian people and their representatives demanded, and still fervently demand. After a solemn investigation—after deep and prolonged deliberation, the committee made a report—an imperishable monument of their justice and profound wisdom—an authentic testimonial of the reality of our grievances, and of the justice of our complaints, faithfully interpreting our wishes and our wants. Through this report, so honourable to its authors, his Majesty's Government has become better than ever acquainted with the true situation of this province, and can better than ever remedy existing grievances, and obviate difficulties for the future."

Now, every recommendation contained in that report had been completely fulfilled; and, therefore, so far as the matter of that report was concerned, the answer to the complaints of the Assembly was complete and satisfactory. He knew that it had been endeavoured to be shown, that in one respect the recommendations of the committee had not been fully carried out; but he denied that such was the case, and he was prepared to prove that, with the exception of the Legislative Council (so we understood), all the complaints of the Canadians had been satisfactorily adjusted. The Government had even gone further than the report of the Committee required, particularly in reference to the Tenures Act and the territorial revenues. Without, however, going through the details of the various disputes between the mother colony and the House of Assembly, he would merely state, that the House of Assembly had refused the supplies year after year, or voted them in such a way that they could not be passed—and had been continually pressing new grievances upon the attention of Parliament, till, in October, 1836, they arrived at the resolution to which he had already referred, that they would no longer meet and transact the business of the state until the demands, and particularly till that one for extending the principle of popular election to the Legislative Council, had been conceded. Now, upon a revision of the case, this question very naturally suggested itself, namely, how it happened that every disposition on the part of the Government of this country to meet the complaints of the Canadian people, should have caused a proportionate increase of those complaints? In proportion as that friendly disposition was exhibited and acted upon, the estrangement of the Canadian Assembly became more and more decided, and their demands increased in proportion to the spirit of conciliation which was shown them. Had they of late become sensible of the doctrine of instalments? Was it possible, also, that they had discovered that her Majesty's Government was made of compressible materials, and that with a little more exertion and show of energy they might obtain the utmost fulfilment of their most extravagant wishes. Being himself well aware of the difficulties with which her Majesty's Ministers had to contend in this matter, he (Lord Aberdeen) was disposed to view more charitably than others what many might conceive to be the blameable part of their conduct. He wished to exaggerate nothing, but he was constrained to say, that there were many points in their conduct which were open to the gravest imputations. The system of delay in which they had indulged, or rather the practice of delay, for he did not believe that with them delay had been the result of deliberation or the preference of any given cause of action, but simply the necessary result of doing nothing, this practice had been the occasion of most disadvantageous results. He did not believe that the noble Lord had adopted this style of policy upon reflection, or in the hope that in after days a grateful country would inscribe upon his tomb, as on that of a great statesman of old—

"Cunctando restituit rem."

All had been the natural result of habitual wavering, irresolution, and infirmity of purpose. He would candidly and plainly state to the noble Lords opposite some of the points on which he thought they were justly liable to the accusations which he had made against them. First, he thought the appointment of Lord Gosford's Commission had caused great delay. What was that Commission of Inquiry? He did not mean to deny, that the Commissioners had furnished them with several valuable Reports, having ingenious speculations and able discussions, but the greater part of which might just as well and just as easily have been given in London. He maintained, that in the state to which the affairs of Canada had arrived at that time there was no need of further inquiry. They had had inquiry enough—they had too much inquiry. There had been, for the whole previous Session of 1834, a

Committee of the House of Commons occupied in fully investigating the whole of this subject—a Committee such as he believed had never been seen in the House of Commons before, where the Colonial office was laid open absolutely and without reserve to the demand of any person who chose to move for any papers. They were, therefore, in a state in which they were not only able, but in a state which rendered it incumbent on them, to come to a decision on the subject. And it was in vain for noble Lords to say, that they were not then in a condition to come to that decision; for they must be pleased to recollect, that when they returned to office, in April, 1835, they found all matters connected with Canada precisely in the same situation as they were in the preceding November. The House of Assembly had not met—no steps had been taken—no act had been done, declaring more explicitly the condition in which that country stood. They would be pleased to recollect, that on the very day on which the noble Viscount's Government retired from office, viz., on the 15th of November, —on that very day the Secretary for the Colonies had written to Lord Aylmer, and had told him that he was fully prepared to give him ample instructions upon every point at issue, and more—that he would have done so the very next day—had not the Government unfortunately been removed. Now, the hon. Gentleman who then filled that office, although he had not returned to it, had not afforded him the advantage of seeing those instructions. They, of course, were left in his portfolio; but although they had not been at his command, they would no doubt be perfectly at the service of his noble Friend, who had succeeded that hon. Gentleman in the Colonial Office. That noble Lord must, therefore, be supposed to have been fully prepared upon his entrance upon that office to communicate instructions upon every point at issue. But, besides that, there was also in the Cabinet a noble Lord who had been connected with the Colonial Office—who had always paid great attention to Colonial matters, and especially to the affairs of Canada—he meant the Secretary at War. Thus, then, the Government had been surrounded by persons perfectly familiar with the whole progress and course of proceedings in Canada—who could not assign any such reason for making further inquiry; because they must have been, as they had stated themselves to be, fully prepared in reference to it. He said, then, that the Commission of Inquiry could have arisen from no other cause but a desire for delay. He had formerly taken the liberty of saying as much, and of pointing out what must be the inevitable consequence of adopting that course. He knew it had been said, that they had in that followed, as a precedent, the conduct which was intended to have been pursued by those servants of his late Majesty whom they had succeeded. But he would venture to say, that any Commission which might have been issued by that Government would not have been calculated to produce any such effect as that to which he had referred. It might have had no better success than that of Lord Gosford and his colleagues; but at least it would have been intelligible, clear, and explicit, as to the objects for which it was sent to Canada; and if it did not take away or lessen, it would not at least have aggravated the difficulties with which the question was encumbered. To show their Lordships the difference between the two Commissions he was prepared to state, that when the noble Lord, who had undertaken to repair to Canada —his family affairs in England rendering it extremely inconvenient to him to be absent—when that noble Lord inquired what was the probable length of time during which he would be engaged with the investigation, he (the Earl of Aberdeen) had told him, that he thought it very possible that within six weeks or two months after he had arrived at Canada all points might be settled one way or another, and that at least in that time Parliament would be ready to make some provision to meet the emergency of the case. When his noble Friend, to whom the present Government had intrusted this duty, made the same inquiry of the noble Lord opposite, what was the answer? Why, that probably the inquiry might last two years. Did they consider what was the condition of affairs in Canada at that time? Why, in the then state of Canada two years was an eternity. What benefit could be expected from a Commission of that sort? Instead of doing good, it could not fail to leave things worse than they were before. That, then, was the first instance of delay with which he thought the Government chargeable. The next instance of culpable delay arose upon the reports of the commissioners themselves. By the second report, which was dated on the 12th of March, 1836, after the decision of the House of Assembly had been settled, and their concession considered hopeless, the commissioners recommended that it should be proposed to Parliament to repeal or suspend 1 and 2 William 4th., which was an Act that gave the appropriation of the revenues to the House of Assembly — which was fairly under the control of the Lords of the Treasury. In that recommendation all the commissioners concurred; and it was singular that that was about the only thing in which they ever did agree—for, able as they were, and clear and talented as their reports had been, the commissioners had differed so much that it was scarcely possible to find them even agreeing in the recommendation of any one measure; but on that point, however, they were unanimous. Well, that being the case, what did the noble Lord do? He thought, or he affected to think, for it was scarcely credible that he could seriously entertain any such opinion, that the House of Assembly had been deceived, and were labouring under a misconception of the instructions which had been given to the commissioners, and that if they knew the whole of those directions they would be willing to come to terms. Consequently, the noble Lord declined to act upon that unanimous recommendation of the commissioners. He directed them to call another session, and to communicate to the Assembly the whole of his instructions, and then to report the result. Now he could hardly imagine that the noble Lord could seriously hope for any change; but, however, Lord Gosford did call another session, he did present his instructions to the assembly in *extenso*, and what was the result? After resolutions much more stringent in their terms, and laying aside all respect and almost decorum, the House of Assembly summed up their demands by stating "that the same circumstances as well as the previous consideration of the salutary principle above referred to, namely, the principle of having a complete redress of grievances before they voted the supplies, rendered it incumbent upon them to adjourn their deliberations till Government should by their Acts redress the grievances complained of, and especially by rendering the second branch of the Legislature conformable to the wishes and the wants of the people." The House of Assembly, therefore, declined to make any change in the hope to which the noble Lord referred. This he also thought was a case merely of delay, for he did not think that the noble Lord could seriously have expected that the consideration of these instructions of which the House of Assembly was already in possession of the substance could produce any such change as the noble Lord affected to expect. The next proof of delay he had to adduce was that most extraordinary and incomprehensible delay which took place in the nomination of the Executive Councillors and the members of the Legislative Council. It had always been intended to nominate as members of those councils gentlemen possessed of the good opinions of the people, and who were deservedly popular in the province. He believed that ever since the Committee of 1828 the persons who had been appointed had been, many of them, unconnected with the Government, holding no office, and indeed possessing a peculiar independence, and who were in other respects eligible to the situation; but it was desirable by all practicable means to conciliate the feelings of a numerous portion of the community by appointing persons in whom they had confidence and to whom they could look with respect. This had always been the desire and the expressed intention of the Government, that such persons should be appointed when the Government could properly place them in the council; at least, that no bar should exist against the appointment of any man who had deserved justly the confidence of the people. The commissioners, in their very full report on the composition of those councils, recommended the principle upon which the nomination should take place. This report was dated the 3d of May, 1836, and any one would have thought that the plan was simple and easy, and that Government would have adopted the principle; but nothing was said or done upon the report until the 14th of July, 1837, when the noble Lord (Lord Glenelg) wrote his instructions to Lord Gosford on the subject. What could possibly have been the reason for this delay, and how did the noble Lord draw up his instructions when he did issue them, did he nominate the councillors? Not a bit. The noble Lord left Lord Gosford to do exactly what he pleased. Why could not the noble Lord, instead of waiting a year and a half, have done this at first? If the noble Lord was right at last in giving to Lord Gosford a discretionary power to nominate whom he pleased, why might not the noble Lord have taken the same course in the first instance? And then let their Lordships mark at what time this was done—a time when it could not possibly be of any use. He admitted, with respect to the feelings of a great body of the Canadians, though it was a matter of no great importance in itself, that it would have pleased and gratified highly many of them if this popular measure had been conceded; but their Lordships must recollect that after having sent out the resolutions of last year, and that after their arrival in the colony they produced all that irritation which they were calculated to produce, then came this concession of the nomination of their councillors, at a time when a measure of that sort could not produce that good effect which it might have done had it been seasonable. This was an instance of what he must call pitiable delay; for he could not understand how there could have been so much irresolution in a matter that appeared so simple and easy. If the noble Lord (Lord Glenelg) had directed the commissioners minutely to scrutinise the claims of these gentlemen, and if the responsibility in the selection of them was one which affected the Colonial-office in London, he could understand that there might have been some difficulty in arriving at a satisfactory opinion; but as the difficulty was left after all to the discretion of Lord Gosford, surely the noble Lord opposite might have adopted this course during an earlier portion of the period that had elapsed. He must also say that he thought that the manner in which they passed the resolutions of last year was accompanied by very culpable and mischievous delay. These resolutions were introduced into Parliament in the other House early in March. They did not pass the House of Lords till early in May. They were carried in the other House by overwhelming majorities; every means were offered to expedite their progress. The noble Lords opposite knew perfectly well, that though some of their friends offered a little opposition, from their opponents they had met with none, but that every means would be taken to expedite the passing of the resolutions. The noble Lords knew the value of expedition. In that House the Resolutions met with but the solitary opposition of the noble and learned Lord opposite (Lord Brougham). They had, however, taken two months in their passage through both houses, without any reason having ever been assigned for it. The resolutions had been postponed from day to day, sometimes the House did not meet, or for some other reason, but for no good reason to men determined to make that haste which the importance of the subject deserved. And when at length they did receive the assent of this House, what was done? Instead of the noble Lords opposite being ready on the next day with a Bill founded upon the resolutions, they left them in their then state. No doubt the events of that period, and the demise of the Crown, might, under certain circumstances, be pleaded as an excuse; but then there was plenty of time before the demise of his late Majesty to pass a Bill if the noble Lords opposite had been disposed to avail themselves of it. As to the reasons which had been alleged for not immediately proceeding in the matter—that there was a fear of wounding the feelings of her Majesty by making the first act of her reign one of a harsh and ungracious character —that had been already treated with the contempt which it deserved. But there was another circumstance which was to be considered—although there was time to pass the Bill, yet the illness of his late Majesty rendered it probable, and the accession of her present Majesty rendered it certain, that a new election must soon take place. In that state of things, therefore, it might probably be deemed expedient by the Government not to quarrel with its friends by the introduction of a measure of that description just at that period. That was the rational inference from their conduct—he could not account for it in any other way. Upon any other supposition it was wholly inexplicable. The noble Lord must either have been wholly ignorant and unaware of the importance of the subject and the necessity of expedition—and it was impossible that he could have been so ignorant—or he must have sacrificed that importance to considerations of personal advantage and the conciliation of wavering friends. Having stated these instances of culpable delay, he would come to make a few remarks upon the military defence of the provinces and the state of Lower Canada. Having heard the opinion on this subject, on a former occasion, of his noble Friend near him, and of other persons well qualified as military authorities to speak on this subject, he certainly would not take upon himself to blame Ministers for not having sent a reinforcement to Canada; but he could not help adverting to the extraordinary reason assigned by the noble Viscount opposite (Lord Melbourne) on a former occasion, when he said that he had considered the unpleasant effect which might have been produced on the public mind by the arrival of additional troops. After sending out the resolutions the noble Viscount need not have troubled himself about the feelings of the public mind on the arrival of additional forces. The reason which he thought justified the noble Lords for not sending out troops was this, that competent military opinions had been received, at least he presumed they had been received, by the noble Lords, as he had received them himself, to the effect that a rising in the provinces was not probable, and that if it took place there was a sufficient force there to put it down. In the first they were mistaken, but in the second opinion they were more correct. But, at all events, the noble Lords opposite knew that troops must be taken from the neighbouring provinces of Nova Scotia and New Brunswick, and there was no reason why those places at least should not have been supplied with troops. It appeared that Sir C. Campbell had actually applied for a reinforcement when he was called upon to dispatch troops from Nova Scotia to Canada. This appeared from the confession of the noble Lord (Lord Glenelg) himself; and further, that the noble Lord had received this communication in August, at a time when he might have complied with Sir C. Campbell's wishes. There was, therefore, surely in this respect great remissness. But he must observe that military authorities in their opinions were not unfrequently disposed to look rather to the result of the contest than to its prevention. They were not unnaturally, perhaps, disposed to undervalue this view of the subject, as seeming to betray a degree of over-caution and timidity. But there was a great difference between the force necessary to prevent a revolt and that necessary to suppress it. He recollected some years ago a highly distinguished officer who was employed in a command when a rising of the people was expected, and when the Government applied to him to know if he required the whole amount of his force, and if it was possible to spare any that were under his command, the answer was this:—"Before I answer your question I must know what you require of me. If you require me to prevent a rising, I cannot spare a man, but if you only require me to put it down when it shall have taken place, in that case probably half the number will be sufficient." Though therefore, he had all possible respect for military views and opinions, still he thought it not improbable that public considerations might not have been entered into so fully as might under other circumstances have been done. Having thus pointed out in what respect he thought the conduct of her Majesty's Ministers was gravely deserving of censure on the part of that House, he would repeat what he had already stated, that to the Bill itself it was not his intention to make any opposition. At the same time he must say, that the Bill was in one point somewhat singular. He believed, indeed, that it had been so amended that whatever might have been thought of it in its original and crude state, it had been greatly improved before it had arrived in that House. He certainly saw by the votes on the table, that the Bill had a new preamble, and he perceived by the votes of the House of Commons, that the Bill had had a preamble which was stigmatised as abominable, but a preamble had been added which was certainly unexceptionable; so that no doubt it had been changed for the better. But accompanying this Bill, they had produced on the table of the House a paper which nobody had ever thought of asking for, but it was produced by the Government and purported to be an extract from a dispatch to the noble Earl, who was about to undertake the government of the Canadas. The dispatch was dated on the 20th of January, and the noble Earl (Durham) would not depart in all probability till April. What, then, was the object of producing this dispatch? It was, he presumed, to enforce, or rather it was intended to bolster up and explain the preamble, in which some such doctrine as that divulged in the dispatch was referred to. But this dispatch recommended the calling of a convention, which was referred to in the preamble, and it was produced for the purpose of giving the preamble some countenance; it was, however pronounced to be eminently absurd; and if the preamble were removed, this dispatch, which was intended to support it, would, in its character of a dispatch, be pre-eminently absurd. But what did it amount to? This dispatch directs the noble Earl (Durham) to summon a convention after a certain time. But, again, he understood that it had been recently stated that the Bill itself, as it stood, would render such a proceeding illegal. The noble Earl, therefore, would never be able to execute the instructions in consequence of the provisions of the bill itself, which prohibited such a proceeding as calling a convention as illegal. As he had exhausted the superlative expression in describing these proceedings already, he could only say in addition that this was super-saturated with absurdity. If it were not for one little expression that reconciled these contradictions, he should have thought that the noble Earl (Durham) was placed in an awkward predicament in being ordered to do what was illegal. But he perceived that the noble Earl was ordered to summon a convention if he should so think fit. Now he (the Earl of Aberdeen) would venture to say, that the noble Earl (Durham) would not so think fit; and in that case he might put his instructions in his pocket, he might do what he pleased with them provided he did not carry them into effect. He thought it was incumbent on Ministers in execution of the measures which had met with the approbation of Parliament, to employ those instruments which were best calculated to carry it into effect. He had too much respect for the prerogative of the Crown to question the appointment of the persons who were delegated for such a purpose, and it must be a strong case, indeed, that would ever make him do so. But without any disrespect to the noble Earl (Durham) he must say, that he thought that his nomination to the high office had not been entirely confined to the purpose of pacifying the revolted subjects of the Queen in the provinces of Lower Canada. He rather suspected that the appointment had also a reference to the pacification of certain disaffected and rebelliously disposed persons in this country, persons disaffected to the noble Lords opposite, and whose turbulence might become somewhat alarming. In this respect the appointment of the noble Earl had been attended with very singular success; and he (the Earl of Aberdeen) sincerely hoped—for what effect it might have on the other side of the water, or how it would operate there, he knew not—but he sincerely hoped that it would produce there the good effects which it certainly had produced here, for it had, seemingly, pacified the disturbed and disaffected party to whom he had alluded. When the noble Earl (Durham) should have arrived in Canada there were three great questions on which he would find himself at issue with the House of Assembly. They were these—namely, the repeal of the Tenures Act, without any security for the titles of those who possessed land under it; the revision of the charter of the Land Company; and, thirdly, the establishment of the principle of election in the constitution of the Legislative Council. The two first questions there was no difference about. He believed that even the noble and learned Lord (Lord Brougham) had consented to the resolution which declared that the Land Company's charter should not be abrogated, and also that the Tenures Act should not be repealed without securing the titles of those who possessed under it. The noble and learned Lord might possibly be guilty of some political extravagancies, but he (the Earl of Aberdeen) was sure that in anything which related to justice, and where the honour of the country and of Parliament was concerned, the noble and learned Lord would be one of the first to assent to measures for preserving them. The noble and learned Lord on that occasion took an opportunity of volunteering his advice to the noble Earl (Earl of Durham) on the subject of the Legislative Council, and the noble and learned Lord said, that it would be useless for the noble Earl to proceed to Canada, unless he were prepared to make the Legislative Council elective—

Lord *Brougham:* Unless he had power given by the instructions.

The Earl of *Aberdeen:* Yes; that unless the noble Earl had power to make the Council elective, he might save himself the trouble of a voyage. Now, without being asked more than the noble and learned Lord, he (the Earl of Aberdeen) would also volunteer an opinion on the subject; and he would tell the noble Earl that if he was prepared to make the Legislative Council elective, he must be prepared to sever that province from the dominion of this country. Such a course would be entirely at variance with the whole colonial system of this country. They might make their colonies as free as they pleased, but the colonies of this country must be governed on monarchical principles. He knew there were those who said, that republican institutions worked very well in the United States. It was very possible they might; but there was this great difference, that in the colonies we must preserve the monarchical principles of government in some shape or other. He could understand the case of a republic in the closest alliance with a monarchy, or under protection and in dependence upon a monarchy, but he could not comprehend how a republic could form any portion of a monarchy. He was quite sure of this, that the making of the Legislative Council elective would tend to the speedy separation of the province from this country. It was, no doubt, true, that in the course of ages, this event was equally certain, let their government be carried on what way it would. He saw no reason for closing their eyes to the fact. Perhaps the very efforts that they made to increase the wealth, the means, the prosperity, and the power of the colonies, would naturally tend to hasten this result. He thought it would be as unwise for them to forget this altogether, as it would be for any one of their Lordships in his full health and vigour, to forget that at some time or other he must taste of death. Both events were equally certain: though each might be postponed to a very distant day, they ought still to be prepared for it. By good government, by wise administration, the time of separation from this colony might be removed far from them; and he certainly saw no reason why they might not look forward to long years of happiness and prosperity in the union of the colonies and the mother country. They must all, he was sure, recollect that beautiful passage in Burke, in his speech for conciliation with America, in which he invoked the presence of Lord Bathurst, who could have remembered what America had been at the commencement of the last century; and then supposing the angel of that ingenious and auspicious youth pointing out to him what would be the future progress and rising prosperity of the American colonies, and telling him of all the wonders he might expect to behold respecting them before he descended to the grave. He thought that, with their present provinces of North America, there was no reason why they might not hope that their children would behold in them more increase and prosperity than all Lord Bathurst had ever lived to witness. The progress of those provinces had been great—it had been more rapid than that of the provinces referred to by Mr. Burke; and he saw no reason why that progress should not continue in the same ratio in connection with the mother country. They should endeavour at the same time so to shape their policy, that they might hope, if ever a separation did take place, it would be in amity and friendship.

Lord *Brougham* spoke as follows:* How comes it to pass, my Lords, by what fate of mine is it, that as often as this great question of our colonies comes on in this place—whether in the ill-fated resolutions of last May, or in the interlocutory conversations raised by the expectations of this measure, or on the address which announced its nearer approach, or now on the Bill itself which embodies it—I alone should be found to interrupt the universal harmony of your councils—alone to oppose a Bill presented by the Government without any defence, but immediately taken up and zealously supported by their adversaries—alone to rise up in defence of the constitution—alone to resist the breach of all law, the violation of all justice, in this high Court of Law, which distributes justice without appeal—alone to withstand arbitrary and tyrannical innovations, standing here, in the Senate—the conservative Senate of a free country—alone to maintain the peace, and stay the dismemberment of the empire, among your Lordships, who, of all men that live, have the deepest interest in peace, and the empire being preserved entire? The position which I occupy is surrounded with difficulty and embarrassment, the task I perform is a thankless one, but I will not—I may not—abandon the post in which my duty has planted me, and I am here, at the last hour of the hateful conflict, again attempting to discharge this ungrateful duty. From so unequal a contest I may retire defeated, but not disgraced. I am aware that I may gain no advantage for those whose rights I am defending, but I am well assured that I shall retain the approval of my own mind.

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* From a corrected report published by Ridgeway.

When the question of Canada was last before us, I purposely avoided following the noble Secretary of State over the ground to which he invited me, because I knew that another opportunity would occur for discussing the provisions of the measure, the outline of which he then gave by anticipation. That occasion has now arrived, and I have attentively, and, as became me, respectfully listened to the statement of my noble Friend. I find that he has said in explanation of the Bill—nothing; in defence of the Bill—nothing. Not a gleam of light was cast by him upon its darker places, nothing was said to clear up the obscurities which are remarked in its arrangements, nothing to reconcile the incongruities with which it abounds, nothing to make a measure acceptable, which all allow to be harsh and arbitrary, nothing to show why it is introduced now rather than at any other time. In short, nothing whatever is urged in defence or in palliation of the Government's policy, save the very able, and on that portion of the subject, the very temperate, speech of the noble Earl opposite (Lord Aberdeen), an avowed adversary of the Government on all other questions. And, it must be granted, that the noble Earl anxiously confined his support to the measure itself, and suffered no portion of his eulogy to overflow upon its authors. Taking under his protection the offspring of the cabinet, which had been abandoned by its parent as soon as it saw the light, the noble Earl fosters it with no stepmother's care, plainly shewing, that had such a thing not been engendered on this side the House, we should have had it produced on the other. Before going, however, to the arguments for the measure, I must advert for a moment to the course pursued by the noble Earl in following up the noble Duke's (Wellington), and noble Earl's (Ripon) protest against having it conceived that their approval of the Bill implied any approval of the Government's conduct, on which they intended afterwards to pronounce their free opinion. That opinion has now indeed been very freely pronounced by the noble Earl, and in listening to it, I could not help reverting to the extreme offence taken by my noble Friend a few nights ago at the freedom of my remarks upon the same subject. I could not help recollecting the elaborate contrast which these remarks called forth between my conduct towards old colleagues, and the noble Duke's, who had so chivalrously come to the defence of his opponents—coupled with the panegyric pronounced, God knows, most justly, on the vast superiority of the Duke's mind, to his of whose attack the noble Secretary of State so bitterly complained. I really suspect that to-night if any such comparisons are instituted between me and the noble Earl, I may look forward to a more favourable verdict from my noble Friend. Not that the professions or the tone of the noble Earl had been less friendly than those of the noble Duke, for he promised to treat the Government with charity. My Lords, the noble Earl's is not that charity which covers a multitude of transgressions, but rather that which covers a multitude of attacks. Any thing less kindly I have seldom heard than the performance of this fine promise—any thing more bitter to taste than the fruit that followed a blossom so fair to behold. I am in hopes that it may by its contrast with my milder rebuke, have the effect of restoring me to the affections of my noble Friend. Of this I am quite certain, that he would fain I interposed to rescue him from the hands into which he has now fallen, and to deliver him from the Earl, as the Duke before delivered him from me. He must be most anxious to be saved from the charity of the noble Earl, and as for the forbearance he promised, why it was really worse to bear than the charity itself. He would not even give the conduct of Government the poor praise of being systematically wrong. It is not a system of delay, said he—it is a practice originating in inveterate and incurable habits of wavering, vacillation, and infirmity of purpose—and all this applied to describe the conduct of a great Minister in a great emergency, which called imperiously for the very opposite qualities—and this, the noble Earl's way of shewing his forbearance in the exercise of his charity.

Having endeavoured to set myself right on the personal matters connected with this question, and so remove the trivial parts of the subject, the way is now cleared for arriving at the important part of the argument; and I approach this, I confess, with some degree of anxiety, fearful of wearying your Lordships by repetitions which it is hardly possible to avoid. The conduct of the Canadian Assembly is attacked again—that body is condemned by my noble Friend for an abuse of their privileges—by the noble Earl, with more accuracy of expression for a breach of duty in refusing supplies; it is indeed the whole defence of the measure before you. Both these noble Lords contend, that after such a refusal in Canada, there is but one course to be taken here—to suspend the constitution altogether. The powers you gave the colony are abused; therefore take away the constitution; not, observe, resume the powers that have been abused, but take away all powers together. That is the argument, neither as I think very conclusive, nor even quite intelligible. The noble Earl praised the proceedings of the Committee that sat in 1828, and quoted the Assembly's words in order to prove that the colonists were then satisfied and grateful. No doubt they were, because their grievances were considered, and redress was promised. The same kindly feelings continued not only till 1831, but after that year; they were even increased by the great measures of that year, which gave them the control of the supplies—the power of the purse. What were those complaints which then arose against them? They had been told that whatever grievances they complained of, the power of refusing supplies gave them the means of obtaining redress, that they no longer were mocked with the name of the English constitution, but had the reality conferred upon them, with all its rights. The power which we told them we had thus bestowed, and boasted of our kindness in bestowing, the short-sighted, simple-minded men, proceeded to use, as if they really believed they had gotten it. Innocent individuals! to believe what you told them, and act upon the belief! to believe you when you said they might give their money, or might withhold it, as they chose—and they chose to withhold it! to fancy that you meant something when you said they could now stand out for redress if they had anything to complain of, and then to stand out in the very way you had said they might! You gave them a specific power for a particular purpose, and the instant they use it for that very purpose, you turn round upon them and say—'Saw any one ever the like of this? Were ever men so unreasonable? You are absolutely doing what you were told you had a full right to do whenever you pleased; why, you are exercising the very rights the constitution gave you;—you are using the privileges we bestowed, and using them for the purpose they were meant to serve;—you are therefore abusing them; you are acting by the strict letter of your new constitution, therefore you are unworthy of it, and we shall instantly take the new constitution away, and not only the new but the old, which you have had for near half a century." Such is the mockery, the unbearable insult which you have put upon this people. First, you boast of having given them the power of the purse, and then the first time they use it, you cry out that they are acting illegally. It turns out that this power of granting or refusing supplies was all the while never intended to serve any other purpose than rounding a period in some conciliatory royal dispatch from Downing-street, or some gracious vice-regal speech at Quebec. The real meaning of the whole was simply this:—You shall have the power of doing as you choose about supplies, but always upon this condition, that you shall choose to do as we please. You have the option of giving or refusing, but understand distinctly, that if you exercise it in any way but one, you forfeit it, and with it all your other privileges.

As for the noble Duke (Wellington) I can far more easily understand his course upon the present occasion, because he singly opposed the bill of 1831, and entered his protest upon our journals. He objected altogether to giving the power over supplies which that bill bestowed. But when I turn to my noble Friends, the authors of that bill, they who gave that power, what am I to think, when I find them crying out treason the instant it is used? Nay, I find them not merely complaining of its use, but because it is used, they take away, not only the power itself, but the whole constitution given by Mr. Pitt's Bill of 1791, or rather Lord Grenville's—for he was the author of the constitution, and substituting in its stead what they themselves allow to be an arbitrary and tyrannical form of government. The crime charged upon the Canadians, and for which they are to be punished by the loss of their free constitution, is refusing supplies. Instantly the resolutions are passed. The noble Earl (Aberdeen) confesses that those resolutions are calculated to harass and vex the Canadians. Then their natural consequences follow: the Canadians are irritated, and no precaution whatever is taken to prevent them from revolting; not a man is sent; not an order issued; not an instruction forwarded; not one line written; not one word spoken, to prevent what is freely admitted to be the natural consequences of the resolutions! All this seems sufficiently marvellous; but this is not all: we now have a scene disclosed that baffles description and mocks belief—a scene which I defy the history of all civilized, all Christian countries, to match. A governor, appointed to administer the law—to exercise the authority of the State for the protection of the subject—one commissioned to distribute justice in mercy—whose office it is above that of all mankind to prevent crimes—and only to punish them when it exceeds his power to prevent their being committed—he who, before all, because above all, is bound to guard against offences the people committed to his care—he who first and foremost is planted by the Sovereign in authority to keep the people out of doing any wrong, that the law may not be broken, and there may be no evildoers to punish—he it is that we now see boasting in his despatches, wherein he chronicles his exploits,—boasting yet more largely in the speech he makes from the Throne which his conduct is shaking, to the people whom he is misgoverning,—boasting that he refrained from checking the machinations he knew were going on;—that, aware of the preparations making for rebellion, he purposely suffered them to proceed; that, informed the crime was hatching, he wilfully permitted it to be brought forth;—that, acquainted with the plans laying by traitors, with the disaffection hourly spreading, with the maturity every moment approached by treason, with the seductions practised upon the loyal subject, with the approach each instant made by the plot towards its final completion, and its explosion in a wide spread revolt;—he, he the chief magistrate and guardian of the peace and executor of the law, yet deemed it fitting that he should suffer all to go uninterrupted, unmolested; should turn a deaf ear to the demands of the peaceable and the loyal for protection, lest any such interference should stay the course of rebellion; nay, sent away the troops, for the express purpose of enticing the disaffected to pursue and to quicken the course of their crimes! Gracious God! Do I live in a civilised country? Am I to be told that such is the conduct of a parent state towards her children of the colonies? Is this the protection which we extend to the subjects over whom we undertake to rule on the other side of the Atlantic? Does it after all turn out that our way of governing distant provinces is to witness disaffection, and encourage it till it becomes treason; to avoid all interference which may stay its progress; to remove all our force, lest it might peradventure control the rebellious, while it comforted and protected the loyal? The fact was known, but the plan is now avowed; and the fatal result is before the world. Blood has been shed; but not on one side only—the blood of the disaffected has indeed flowed; but so also has the blood of those whom our wicked policy had suffered traitors to seduce. It was not until that horrid catastrophe had happened, that the King's peace was allowed to be restored. I am filled with unutterable horror and dismay at this scene. I appeal to the bench of Bishops. I call upon them that they lay this matter to their hearts, and reflect upon the duty and the office of a Christian man. Shall he be held guiltless, be his station what it may, if he allows sin in others whom he has the power to save from it, much more if he takes measures for ensnaring his brother into guilt, that he may fall, and pay the penalty of his transgression? How much more, then, if he be a ruler of the people, set over them to keep them right. I call upon the reverend judges of the land to frown down by their high authority this monstrous iniquity. Let them tell how they deal with the men who come before their tribunals, not as vindicators of crime, and enforcers of the law—but as tempters to seduce the unwary, and make him their prey. Let them describe to us those feelings, which fill their breasts, when the very scum of the earth's scum is cast up before the judgment-seat,—that indignation which agitates them, and seeks its vent upon the head of him who might have prevented the law from being broken, but prefers, for some sordid purpose, standing by to see the offence perpetrated, and then drags his victim to justice. That indignation they must now transfer to this place, and pour it upon the supreme ruler of a province, who has the courage to boast that such has been his conduct towards the people committed to his care; vaunting of such misdeeds to the Sovereign who employed him, and to the subjects whom he misgoverned in the trust which he betrayed. It is well for him to speak with regret of the blood thus spilt—well to lament the gallant Colonel Moody thus foully slaughtered, and who would never have been attacked, had the troops been left at their post whom the Governor made it his boast that he had sent away. Possibly the whole may be the afterthought of a vain man, which he never would have uttered had the revolt not been put down. But, assuredly, if the force had remained, we should have had to rejoice in its prevention instead of its suppression: and instead of lamenting bootlessly the loss of the gallant men thus sacrificed, he might have had the better feeling to indulge of saving their lives to their country, and preserving, instead of restoring, the public peace which he was sent to maintain.

The same Governor, however, has not, as I find, been satisfied with a civil war; he must needs do his best to endanger the peace with the United States. He has threatened that powerful neighbour with hostilities. It appears that the neutrality of the American territory has been violated, nor could such an event excite surprise. A volunteer force must always be less easy to control, and more prone to commit excesses, than those regularly disciplined troops who were sent away at the time their services were most indispensable. The noble Duke (Wellington) expressed himself satisfied with the force in the Canadas, upon the authority of military men whose opinions he had taken. No one is more ready than I am to be guided by such authority—that is to say, upon all military questions. If we are asked whether a certain number of troops be sufficient to defend a post, or even to put down a revolt which has actually broken out, to the opinion of military men I will bow—not so where the question is, what force should be kept in a province in order to prevent all revolt from taking place—that is a question of civil and not military polity. Still more if the question be whether it is fitter to keep down all rebellion, than to wait till it rages, and then suppress it—that is no more a military question than any of those matters which daily occupy the attention of Parliament; no more than a Bill relative to police, or to any other department of the civil government of the country. The noble Earl (Aberdeen) with much good sense, referred to a high authority, and cited a very sound opinion upon this grave and important subject, when he repeated the valuable saying of an eminent man, that "a far less force might be required to put down a revolt than to prevent one." The charge I now make runs through the whole of the question before us; and one more serious cannot be brought against any Government. The Ministers are accused, and as yet without offering explanation or defence, of having occasioned by their own incapacity and that of their emissaries, a civil war, the effusion of innocent blood, and the seduction of loyal subjects from their allegiance. Upon the same gross neglect, and the necessity of employing an undisciplined and insubordinate rabble is also charged the rupture with America, to which that neglect led, not indirectly and as a remote consequence, but by a plain, direct, short rout, which might all along have been easily seen and closed up. My Lords, I most deeply lament any occurrence as most disastrous and appalling, which can endanger our relations of peace and amity with the United States. But I would not be understood as thinking that this most untoward occurrence will lead to a rupture, though I fear it will exasperate men's minds and embitter the feelings, already not too kindly, which the last American war left behind it. I know, however, the good sense which, generally speaking, prevails among the people of America—the sound policy which, for the most part, guides the councils of its Government. Long may that policy continue!—long may that great Union last! Its endurance is of paramount importance to the peace of the world—to the best interests of humanity—to the general improvement of mankind. Nor do I see how, if any disaster were to happen which should break up the Union, considering the incurably warlike nature of man, the peace of the New World could long be maintained. But in the present case, met, as I have no doubt these wholesome dispositions towards amity will be by corresponding sentiments on this side of the Atlantic, I cherish the hope that after discussion, and explanation, and conferences, and negotiations, satisfaction will be yielded where outrage has been offered, redress will not be withholden where injury has been done, and the occasion of quarrel for the present be avoided. But there will not be an end of the consequences that must inevitably follow from this unhappy affair. The public mind will be seriously and generally irritated; the disposition to interfere with us in Canada will become far more difficult to repress; and a Government, at all times feeble to control the conduct of individuals, will become wholly impotent against so prevailing a spirit of hostility. All these mischiefs I charge upon the same inexcusable, inexplicable neglect, which has left Canada bare of defence against the progress of discontent, at the moment when your rash, violent, headlong policy had excited the universal resentment of your American subjects.

But your own faults are, with unparalleled injustice, to be laid to the door of the colonists; because you have misgoverned them, and alienated their affections, they are to be punished by the loss of their free constitution. Now, grant even that some portion of them have no justification and no excuse for their conduct—I ask you how you defend the policy of punishing the whole community for the errors or the offences of a few? I will not here stop to solve the problem, what proportion of a people must sin before you are entitled to visit the whole with penalty and coercion; but I will ask you to recollect the argument used a few days ago by the Ministers, when I complained of no troops having been sent to preserve the peace. The outbreak was then represented as a mere trifle; an affray in which but few of the people, but a handful of men, had taken any part—it was confined to a corner of the province—to the banks of the Richelieu alone—while all the rest of the country was peaceable, loyal, and firm. In Upper Canada not a soldier was wanted, and the Governor had sent every man away, returning to the inquiry, how many he could spare, the vapouring answer, "all."—Even in Lower Canada, six counties out of the seven were in a state of profound tranquillity, and but a few parishes in the seventh had shewn any signs of disaffection at all; almost all else was loyalty, devotion, and zeal. Such was the ministerial statement last week.—Then how do you propose to reward all this loyal devotion and patriotic zeal? By depriving, not the criminal and seditious portion of the people, but the whole community of their rights;—by punishing, not the one county where the peace has been broken, but the other six also, where perfect tranquillity has reigned uninterrupted. And you intend to take away, not only rights that have been abused, not only privileges that have been too rigorously exercised, but all the rights and privileges together, which for near half a century the Canadians have enjoyed. They are told that for the trangressions of a few, the whole liberties of the people are at an end; and my noble Friend himself, a well-known friend of liberty, an advocate of popular rights, is to proceed among them in the character of Dictator, to enforce the Act for establishing among them a despotism never before known in any part of the British dominions. But without stopping to inquire longer into the justice of this policy, let us only ask whether or not it is consistent with our conduct towards other portions of the people;—whether or not we treat all parts of the empire in this kind of way? Is it the course we undeviatingly pursue every where, through good report and through evil report? Suppose we had to deal with a province situated not three thousand miles off, but almost within sight of our own shores; inhabited, not by half a million, but seven or eight millions of people; not unrepresented in Parliament, but sending over above a hundred zealous and active delegates to speak its wishes and look after its interests; and suppose that of these, a large proportion, say not less than seventy, were the sworn allies, the staunch friends, the thick and thin supporters, the unhesitating, unscrupulous voters of the very Administration which has been forging fetters for the Canadians—the remote, unfriended, unrepresented Canadians—how would the same Government have treated the portion of the empire now called Canada, but which would then have borne another name? Suppose the leader of the seventy faithful adherents, the Mons. Papineau as he is now termed, the zealous and valuable coadjutor of the Ministers, should take up the question of an elective council—should strenuously exert himself for its success—I must here use a European expression to be understood—should agitate for it,—would his urgent demands be treated with scorn, and the prayers of his countrymen and followers be rejected with disdain? My noble Friend, who represents the Ministry elsewhere (Lord John Russell) has furnished an answer to all these questions. Quoting from Mr. Fox, and greatly exaggerating that great man's meaning by taking literally what was said loosely, if seriously, my noble Friend has laid it down, that in Irish affairs there is but one rule for governing the people; and what do your Lordships think that golden rule is? By doing what is right and just? By pursuing the policy which the interests of all require? No such thing! The rule is far simpler than that. By administering, as my noble Friend on the cross bench did, (Marquess of Anglesea,) justice tempered with mercy—evincing at all times the most watchful care of the people's interests, mingled with the most undeviating condescension and kindness of demeanour towards their persons—at once endearing himself to them by the frank urbanity of his manners, and taking care that their best interests should be unceasingly promoted — doing them justice, securing them right, but at the same time, holding the balance equal, with a firm, a manly hand—and never, for any consideration, abdicating those functions of a Government from which its very name is derived? Nothing like it! What, then, is my noble Friend, the Home Secretary's rule for governing the people? Is it to do what you ought by them? to give them what is good for them? to let them have what you ought to give, and nothing more? Oh, no such thing! but it is to let them have just what they themselves wish; to do as they bid you—as they, the subjects, bid you, their Governors; in a word, to let them save you the trouble of governing them by leaving them to govern themselves. That is the rule applied to a country which is close by, with six millions of men whom one common sentiment binds together, who follow one concentrated and individual influence, and who send seventy voters to the aid of the Ministry in the other House. The rule for dealing with them is, "Give them all they ask: if an elective council, let it be elective; if a life council, be it for life;—just as they please." But for Canada, far off, thinly-peopled, and without the fraction of a member in either House to make its grievances known, or give expression and force to its desires, another rule prevails,—"Refuse all they ask; turn a deaf ear to every complaint; mock them with hopes never to be realised; insult them with rights which when they dare to use shall be rudely torn from them; and for abiding by the law, in seeking redress of their wrongs, punish them by the infliction of a Dictator and a despotism." We have all seen, or we have read, of the contrast between a parent and a stepmother in the treatment of the child; the contrast between tenderness, self-denial, self-devotion —and cruelty, self-indulgence, studied neglect. The one exhausts every resource of kindness and conciliation, anticipates all wants, yields to each wish that ought to be granted, studies to prevent offences by judicious training, and to reclaim from error by gentleness alone; nor ever has recourse to punishment until all means of prevention fail, and the safety of the cherished object forces her to do violence to her feelings rather than neglect her duty. But I have known conduct the reverse of all this. Who indeed has not heard of the stepmother—watching for the occasion of quarrel; taking offence at every thing, and at nothing: fostering any little failing of temper in the child till it ripen into disobedience, and furnish the pretext for inflicting the wished-for punishment; alternately too indulgent and too severe; by fits and by caprice harsh and gentle; now flinging to it some plaything, and the instant the child uses it flying into a fury, and snatching it away, and giving vent to anger by punishment or by restraint: now visiting on the offspring the faults of her own mismanagement; and never for an instant pursuing a steady, or a just, or a rational treatment. These things I have witnessed, as who has not? But never have I known an example of contrast so marked, so violent, so outrageous, as between the parental care of Ireland and the stepmother treatment of Canada.

The act of unprecedented oppression which Lord Durham is commissioned to execute, is, I find, explained and illustrated by the publication of the instructions under which he is to be sent out, and when I survey this strange document, I am sure I find it difficult to say whether the tenor of it or the production of it, is the most unaccountable. I question if so extraordinary a proceeding altogether has ever yet been witnessed, as the publication of this paper. The Ministers have made public in January the orders which they intend to have executed next May. It is one of the great difficulties attending an extended empire, that the orders issued for the government of its distant provinces can hardly ever be executed in the same circumstances in which they are framed, because a considerable time must needs elapse between their being dispatched and enforced. But is that a reason for unnecessarily incurring the unavoidable difficulty—by sitting down—did mortal man ever before dream of such a thing—by sitting down at the Colonial-office in January and drawing up the orders in all their detail, which are to be obeyed by the emissary in May or June—when that emissary is not to leave the country before the month of April? How can my noble Friend know that he will be of the same mind in April, when Lord Durham is to set sail on his hopeful mission of conciliatory coercion? The measure, out of which these resolutions have arisen, has already been changed three or four times over in as many days, if report speak true. First the Ministers wavered a little; then they affected to have made up their minds; and having done so, they no sooner declared that nothing should move them from their fixed purpose, than they suddenly departed from it altogether, and adopted a totally different course, at the dictation of the Opposition in the Commons. Hesitation, uncertainty, wavering, delay—mark the whole course of their proceedings. It extends to the noble person who is to execute these projects in Canada. My noble Friend is not to set out on his progress towards the spot where disaffection is abroad, and insurrection has broken out, until the weather is fine. While every week is of incalculable importance, April is the time coolly appointed for his sailing, and it may be later. This extreme deliberation should seem to indicate no great apprehension that the colony is in such a state as affords any justification of a measure like the one propounded for its coercion. The noble Earl (Aberdeen) has mistaken what I formerly said of my noble Friend's powers. I never pronounced it as a clear matter that he should, at all events, be ordered to grant instantly an elective council. But I did maintain, that unless he goes armed with a power of this extent, to be used if he shall see fit, his going is a mockery both of himself and of the Canadians; and that neither he nor this country can reap honour from his mission. But no power of this kind, or indeed of any kind, is to be given him. These instructions are from the beginning to the end, inquiry, and nothing else. They set out with stating, that it may probably be found necessary to adopt some legislative measures of a comprehensive nature for effecting a permanent settlement of the Canadian question—but what these measures are likely to be, there is no intimation given; indeed the plain implication is, that they have not yet been discovered; and the instructions proceed to describe how the information is to be procured on which they may be framed. The committee or convention is to be formed, and then my noble Friend is to bring before it various subjects on which he is to ask for their opinion and advice. The first is the matter in dispute between the upper and lower provinces. The next subject of deliberation it is said, will be furnished by the Act of 1791, with a view to examining how its defects may be corrected. Then follow some other heads of inquiry in their order—the mode of defraying the expense of the civil Government, the state of the law affecting landed property, the establishment of a court for trying impeachments and appeals. On all these several subjects the new governor is to inquire, and what then? To determine—to act—to do any thing that had not been done by his predecessors? No such thing—but to report to the Government at home exactly as they did before him. Why, have they not had reports enough? Had they not the Committee of 1828, with its ample investigation and voluminous reports? Had they not the Committee of 1834, with such a production of papers from the Colonial-office as never before was made to any such tribunal, and a report in proportion full to overflowing? The labours of these two Committees, sending for all persons, examining all papers, searching into all records, were not deemed sufficient to slake our boundless thirst for knowledge, and a commission was dispatched to inquire on the spot. They hastened thither, and inquired for years, examined all subjects, differed upon them all, recorded their disputations in long arguments and elaborate protests, remitted the volume that contained the produce of their labours and their wranglings, and put their employers in possession of a whole body of controversy and of decisions, each Commissioner generally differing from his colleagues in the views he took of the argument, and frequently also from himself, but all agreeing in the conclusions at which they arrived, by the course of reasoning one way, and deciding another. Will not this satisfy us, insatiable that we are? Can we hope for more argumentation and more discrepancy from one inquiring man than from three? I defy any one, be he armed with powers ever so dictatorial—let him engross in his own person all the powers of his station, and be his own Master of the Horse into the bargain, to surpass the celebrated inquiry and report of Lord Gosford, and his learned and gallant Coadjutors. I had vainly imagined that all the inquiry of the last three years might have been enough to satisfy the greatest appetite for delay and inaction; but I find I was deceived; we are still to falter and pause; the hour for action recedes as we advance; and the mighty measure of abrogating all law and creating a dictator, ends in sending out one Lord to renew the inquiries which had been making for three years under another.

I have uniformly stated my conviction that it is the duty of the Government here at length to make up their minds and pursue some intelligible and consistent course towards the Colony—above all, that sending Lord Durham thither without the only power which can ever be of the least use towards attaining the object we have in view, is a mere pretence for new delays. The alarm expressed at that power by the noble Earl (Aberdeen) is to me incomprehensible. An Elective Council, he says, means the severance of the Colony—I have always held this to be a benefit and no loss, provided it can be effected in peace, and leave only feelings of kindness on either side. But I deny that the giving an Elective Council can possibly produce such a consequence.—Men commit a great and a palpable mistake when, arguing from the analogy of the Parliament of England, they transfer to Canada the ideas connected with our Upper House. In the Colony there is no aristocracy nor any thing like an aristocracy—consequently the materials of an Upper House are there wholly wanting. But a yet more remarkable difference arises from the relation of Colonial dependency. Why is this House in which we sit necessary for our limited Monarchy? It is because the Crown would without its interposition, come into conflict with the people, represented in the Commons. The Monarch has no revenues but what he derives from the votes of that Lower House; if then he were to exercise his veto upon bills, all supplies would be stopt; and the Monarchy could not survive the shock were it often repeated, were not its violence mitigated by this Upper House being interposed between the other two branches. This House, by the influence which the Crown has in it, by its natural leaning towards the Court, and by its aversion to the extremes of popular opinion, relieves the Sovereign from the perilous office of refusing the measures sometimes pressed upon both by the representatives of the people. But the state of things in a Colony is essentially different. There the Executive Government is not altogether dependent upon the supplies voted by the Commons—there the Commons have no more absolute power over the rest of the Government than they would have here if Hanover or some other dependency of the Crown yielded a revenue of twenty millions a year, which could defray such expenses as the Parliament might refuse to authorise. Consequently in the Colony, the Governor has no difficulty in rejecting bills, and exposes the constitution to no shock by the exercise of his veto. He wants no Upper House to do for him what he can safely do himself, and to deaden the concussion occasioned by a collision between him and the Commons. Were the Colonial Council then elective, there would none of the effects ensue which must follow from making this House a representative of the people like the other. Were we chosen and sent here by the same body that elects the Commons, any one must see that the only consequence would be, our having a House of Commons divided into two sections instead of one, sitting in two rooms, and passing bills through nine or ten stages instead of four or five; the Government would be wholly changed, and a pure Democracy substituted in its stead. In the Colony the reform of the Council or its total abolition, would not alter one jot the nature of the Government, or impede its working for an hour. The Commons might refuse supplies because the Governor rejected bills —each party would for awhile stand out against the other; in the end a middle course would be resorted to, each party giving up a little and gaining the rest; and the supplies of the mother country administered by her Parliament would be forthcoming, whenever the sense of the Government and people of England went along with the Colonial executive, to overcome any very unreasonable and pertinacious resistance of the House respecting the Colonial people.—Unable then to discover the least danger from the change so much desired by all the Canadians, I deeply lament the short-sighted and inefficient policy of sending out a new emissary without the power of granting it, or even of entertaining the question; and I remain decidedly of opinion, that whether we regard his own credit and honour, or the interests of the country and the colony, he had far better not go there at all, than proceed with mutilated powers upon a hopeless errand.

The colonial experience, my Lords, of the Spanish monarchy, fertile as it is in lessons of wisdom upon all subjects, is singularly so upon a question of this kind. There once broke out, as you are aware, a revolt so formidable, and so extensive, involving the whole of the most valuable of the settlements of Spain, that it is still known at the distance of three centuries as the great rebellion. I allude, of course, to the revolt of the Pizarros in Peru, compared with which, were the war in Canada to rage with tenfold fury, it would be a mere nothing for danger and difficulty. The events of that famous passage have been recorded by the illustrious historian, my revered kinsman, in that spirit of deep reflection for which he was renowned, and with a charm of style hardly exceeded by his celebrated narrative of Columbus's voyage, which it is difficult to read with a dry eye. The rebels had been eminently successful on all points; the revolt had raged for above a year, and had wrapt all Peru in the flames of civil war. At the head of his hardy and adventurous veterans, Pizarro had met the Spanish troops, and overthrown them in many pitched battles. The Viceroy had himself been defeated, taken, and put to death; the seat of Government was in the hands of the insurgents; and a combined system of revolt had been universally established to the extinction of all lawful authority. In such an extremity, the Emperor Charles, a prince of vast experience, of practised wisdom in the councils both of peace and war; a ruler, whose vigour never suffered him to falter, saw that there remained but one course to pursue. He resolved to send out a person with ample powers of negotiation and of command; and his choice fell upon Pedro de la Gasca, who had, though in no higher station than Councillor of the Inquisition, distinguished himself by his ability and success in several delicate negotiations. He was recommended to the office by an enlarged capacity, hardly to be surpassed — an insinuating address — manners singularly courteous to all—a temper the most conciliatory and bland—above all, a rare disinterestedness and self-denial in whatever concerned himself, and a singular devotion to his public duties. Of this he early gave an unequivocal indication, in peremptorily refusing the offer of higher rank in the Church, which the Emperor pressed upon him with the purpose of increasing his weight and influence in the arduous service intrusted to his hands, "But (says the historian) while he discovered such disinterested moderation in all that related personally to himself, he demanded his official powers in a very different tone. He insisted, as he was to be employed in a country so remote from the seat of Government, where he could not have recourse to his Sovereign for new instructions on any emergency, and as the whole success of his negotiations must depend upon the confidence which the people with whom he had to treat could place in the extent of his power, that he ought to be invested with unlimited authority; that his jurisdiction must reach to all persons, and to all causes; that he must be empowered to pardon, to punish, or to reward, as circumstances might require; that in case of resistance from the malcontents, he might be authorised to reduce them by force of arms, to levy troops for that purpose, and to call for assistance from the Governments of all the Spanish settlements in America." Powers like these seemed to the men of mere precedent in the colonial office of Madrid, impossible to be granted to any subject, they were the inalienable attributes of the prerogative, according to these official authorities; "But the Emperor's views," says the historian, "were more enlarged. As from the nature of his employment, Gasca must be intrusted with discretionary power in some points, and all his efforts might prove ineffectual, if he were circumscribed in any one particular, (as for example, the granting of an elective council) Charles scrupled not to invest him with authority to the full extent of his demand. Highly satisfied (he adds) with this fresh proof of his master's confidence, Gasca hastened, [*much cheering attended the mention of this word*] — he *hastened* his departure, and without either money or troops, set out to quell a formidable rebellion." The result is well known, and it was conformable to the vigour and the wisdom that presided over these preparations. Gasca arrived in Peru without any suite, or any pomp whatever; he put in action the resources of his genius for negotiation; dividing his adversaries by the justice of his proceedings, winning over many of all parties by the engaging suavity and mingled dignity of his manners never making any sacrifice to temper or to selfishness of his arduous and important duty, but gaining every where friends to his mission, while he hardly left an enemy to his person. His bold and uncourtly antagonist perceived that he was undone, if further time were given for the practice of diplomatic arts, alike strange to his nature and his habits. He rushed to the field, his proper element, and to those arms which were the only arts he knew. To his dismay he found that he had to cope with one whose universal genius for affairs fitted him for following up in action the counsels of his provident sagacity. Gasca suddenly disclosed the result of the preparations which he had been making, while occupied in negociating with the leaders of the revolt, and reclaiming the victims of their artifices. He equipped a fleet, met the cruisers of Pizarro, and captured them every where. He took the field against the veteran conquerors of the New World; he met their chief, overthrew him in a pitched battle, made him prisoner, put him to death with his principal accomplices, restored peace and order to the whole province, and gave back to the Spanish Crown, rather than kept in it, the brightest of its jewels. To complete the glory of this great man, already so brilliant both in council and in arms, there wanted but one crowning passage, which should bestow upon him a yet higher fame, by showing the genius that inspired his conduct, eclipsed by the virtue that governed it. Nor was this proof wanting. Master, by the fortune of the war, and by his unlimited powers, of the whole forfeitures of the rebellion, he distributed a far greater mass of wealth, in money, and mines, and land, and palaces, than was ever by any absolute potentate bestowed upon his followers or his favourites; and reserving not the fraction of a farthing for himself or his connexions, he retired to Europe, and rendered up his trust, leaving to his grateful sovereign the payment of the few debts which he had contracted, and which his poverty disabled him from discharging. His reception by his country and his prince was all that might be expected from public gratitude for unparalleled services, and from unbounded admiration of the highest and most various capacity. But he retired into the privacy of his former life, and passed (says Robertson) the remainder of his days in the tranquillity of seclusion, respected by his country, honoured by his sovereign, and beloved by all.

Having, my Lords, called your attention to the lessons which this memorable passage of colonial history presents to the Government, as peculiarly applicable to the circumstances of the existing crisis, I will not any longer stop to dwell upon a picture, which, I fear, offers to the eye only sad contrasts in all its material features, between the capacity and the vigour of former and of present times. And here, too, I willingly retire from the contemplation of the whole subject—painful to view in every respect—lamentable in some of its parts,—disgraceful in others. My closing words, my parting advice are to retrace your steps, and do justice. Let the Government make the restoration of kindly feeling the main object of all their endeavours. To compass this, let them go all lengths, and out of their way, in negociating with the disaffected and in ruling the province. Let them largely mingle mercy in the administration of its affairs. Above all never let them listen to those who would persuade them, like the noble Earl (Aberdeen), that what might have been rightly granted at one time it is dishonourable to give now that the supplicant has flown to arms, and become a rebel. If those concessions were wrong before, so are they wrong still, and I call upon you firmly to refuse them,—

but if it ever would have been just and politic to yield them, be you well assured that nothing has happened to make it less wise, and less right now, and the fame of England never will be tarnished by doing her duty. Make that your rule and your guide, and you may laugh to scorn the empty babblers who would upbraid you with the weakness of yielding to armed petitioners; you will show them that the concession is not made to the force of arms, but to the irresistible power of justice and of right. I devoutly pray that the end of all may be contentment and peace—that contentment and that peace without which outstretched empire is but extended weakness,—which, if you shall not restore, all your victories in the council, in the Legislature, in the field, will be won in vain—which, if you do restore, you may defy the world in arms, and despise its slanders as well as its threats.

Viscount *Melbourne* thanked the noble and learned Lord for the exhortation and admonition with which he had concluded his speech. He could only say, that he entirely adopted the tone, he perfectly concurred in the spirit, he agreed in the justice and the wisdom of that admonition, and he was quite prepared to state, that by the principles which the noble and learned Lord had so ably, and powerfully, and eloquently impressed on their Lordships, her Majesty's Ministers, in the difficult course in which they were engaged, would be entirely guided. For the part of the noble and learned Lord's speech recommending harmony and conciliation, and attention to the dictates of justice tempered with mercy, the only pure and enlarged policy, he was extremely obliged. Those parts of the noble and learned Lord's speech which were of a different nature, which were so severe and sarcastic in their tone, their Lordships would readily excuse him from troubling them with any lengthened reply to. He had long expected the outburst of the noble and learned Lord. He all along knew it must come—that the spirit of bitterness, the acerbity of feeling which took its birth in the noble and learned Lord's mind in the beginning of 1833, and which had been gathering strength and bitterness from long and forcible suppression, must break out at last. This was nothing more than he had long expected—than was natural—for most people were blind in respect to themselves, and it was impossible to perceive in their own case that which was clear and manifest to all the rest of mankind, and which was approved and assented to by the general opinion of all those who considered the subject. He thanked the noble and learned Lord for his active support in 1835, he thanked the noble and learned Lord for his absence from the House in 1836, for his less active support in 1837; and he felt no irritation at the very different tone which the noble and learned Lord's regard for the public service, his zeal for the public welfare, his great patriotism, and his anxious desire for the people's well-being, had reluctantly compelled the noble and learned Lord to adopt in the present Session. The topics which had been introduced in the present debate were much the same as those treated of on a former occasion. The charges which had been brought against Government were much of the same character as those urged before. The principal of these charges were great delay, vacillation, and fluctuation of opinion, a deficiency of firmness, and the not acting on a well-considered and well-determined line of policy. But what was the gist of the accusation and condemnation of Government—what was the specific error—what was the step which ought to have been taken and which had not been taken—what was the evil proved to have arisen from the delay—what was the measure which ought to have been adopted, and which had been omitted? The noble and learned Lord said, the object of the Commission which was appointed was delay—that no further information was required, that the information attained in 1828 was sufficient. He did not concur in this view of the subject; on the contrary, the most plausible argument against the present measure seemed to be, that even now we had not sufficient information on the subject of the colony. Suppose that Lord Amherst had gone out with his instructions generally of a conciliatory nature, and directed to stand firm by the Legislative Council, what would have been the result? The Canadians would still have insisted on an Elective Council; every one knew that they would have insisted on this, and the effect would only have been to bring on at an earlier period the same state of things which had occurred now. There was no reasonable supposition that the House of Assembly would ever have voted the supplies without not merely an Elective Council, the responsibility which they demanded of the Governor to themselves. He (Viscount Melbourne) would not now enter into any discussion on the question of an Elective Council; he did not know whether or not some mode of election might not be devised compatible with the monarchy of this country; but of this he was sure, that the responsibility of the Governor to the Assembly amounted to independence at once, and this demand was unquestionably made by the House of Assembly to be refused them only on peril of their putting into direct use the means which Parliament had placed in their hands. These things must be judged by the manner in which they were employed. The noble and learned Lord had described Parliament as having given the Canadians the power of refusing the supplies only in the intention that they should not exercise it, for that the moment they did exercise it, it was taken away , and their constitution suspended. But this was a question of manner and degree. If the House of Assembly made use of this power for the purpose of stopping the whole course of government, of shutting up the courts of law, it became evident that steps must be taken to restore Government to a situation in which it could work. When there were three estates in the constitution, and one of these pushed its power to an extremity, either the other two must yield to the third, or some change and alteration must take place in the distribution of their respective powers. The demand of the House of Assembly involved a decided change in the whole form of the constitution, and because it had not been acceded to they had stopped the whole course of government. What then remained for the supreme Government to do except to make a great change in the state of things, or at least to suspend the constitution, in order to see what changes might advantageously be made? The constitution had practically been suspended by the Canadians themselves. The Legislative Council refused the Bills sent up by the House of Assembly; the House of Assembly refused supplies; the heart and brain had ceased to act together; it was impossible that things could go on in such a state, and the best step to be taken appeared to be that of suspending for a short time the constitution of 1791, and giving the proposed powers to the Nobleman who had been selected by Ministers to proceed to Canada; a Nobleman of great ability, though, as it might seem, hardly equal to the eminent ecclesiastic of whom the noble and learned Lord had read them so eulogistic an account—an account, indeed, which the lively historian made appear somewhat like a romance. [Lord *Brougham:* Dr. Robertson was a most accurate historian.] The next matter to which the noble and learned Lord had adverted, was the delay which had taken place in the nomination of the new Legislative and Executive Councils. He certainly must confess that he wished the nomination had taken place before the last week in December, but there had been great difficulty experienced in reference to the selection of members; and there were other circumstances, which, in the present state of affairs in the colony, it might be improper to particularize, which, to a certain degree, accounted for the delay; but there was nothing in these circumstances to justify in the Assembly the violent, obstinate conduct they had pursued. With respect to the resolutions, he believed they had passed their Lordships' House with as much rapidity as possible. There were many matters of great importance, and very exciting in their nature, in agitation at the time. As to the other House, it was well known that, in the present times, hon. Members were not very willing to bate an inch of their right of precedence, to give way with any motion, every one appearing as anxious to deliver himself of his speech as if it were a matter of life and death to his constituents; and, consequently, the march of public business was not quite so regular or smooth for the Government there as in former times, when there was not so much emulation or strong feeling among the Members of that House as at present. But he believed that, consistently with the state of public business, those resolutions proceeded with as much expedition as possible. The idea which the noble and learned Lord had seemed to express, that it would be more constitutional to pay the money in this country than to take it out of the chest of the Canadians, was in no degree adopted by the Canadians, or those who were best informed on Canadian affairs, who all considered such a course as much superseding the House of Assembly as the other course, as equally inconsistent with the form and spirit and right working of a free constitution. As to the forces in Canada, the real fact was, the troops there had not been reinforced, because Government believed from the representations which had been made, both from the civil and military authorities there, and from other quarters, that there was no danger of an outbreak during the winter. This had turned out to be not the case—to be an error in judgment; and certainly, after what had taken place, he greatly wished that additional troops had been early sent out, though he did not believe that even this would have prevented the outbreak, for it was unpremeditated. He apprehended the state of the case to be this:—As far as could be collected from what was known on the subject, the information on which was by no means even yet complete, Mr. Papineau, finding himself playing a difficult and dangerous game, said to the people, "Do not resist now, but be prepared for resistance; arm yourselves, and be ready to assemble together at one point when I call upon you, but do not rise till you are desired." Now, this would not do: it would not do to tell people to arm themselves, to prepare for resistance, to inflame their minds with representations of their wrongs and injuries, and, at the same time, suppose that they were to be held in like greyhounds in a leash, to be let out only at pleasure. So it happened, that when the organization of the disaffected was discovered, and persons were apprehended, resistance and the outbreak followed; and whatever had been the number of troops in the province at the time, he fully believed that the outbreak would still have taken place. It was, however, impossible to deny that if there had been more troops there, Sir J. Colborne would not have been justified in draughting off the troops from the upper province. But Government proceeded on the opinion that there would be no insurrection in the winter. Some observations had been made in reference to the change which had elsewhere been made in the preamble of the Bill. He was well aware that the course which had been pursued in framing that preamble was novel, without precedent; but the circumstance of its being without precedent by no means necessarily proved it to have been erroneous; to show this, it must be proved to have been absurd and unwise. In framing that preamble, and the instructions which had been adverted to, they had been guided by that spirit which had breathed throughout the speech of the noble and learned Lord. They were anxious that there should stand as the basis of the measure a distinct statement that though they were establishing an arbitrary power in Canada—an arbitrary power, let it be observed, not a despotism, for what he (Viscount Melbourne) understood by despotism was irresponsible power, a description which could not be applied to that with which Lord Durham was intrusted—they were anxious, he would repeat, to state in the front and face of the measure, to the people of Canada, of England, to the whole world, that what they were doing was only for a temporary purpose; to exhibit their anxiety to return to constitutional forms of government at the earliest possible period; and though he believed it to be unusual to refer to instructions given by the Crown in the preamble to an Act of Parliament, yet it had been considered how great was the magnitude of the occasion, and the necessity there was of giving this public notice, to show the full concurrence between the legislative and executive powers on the subject, and to prove the manner for which the one was disposed to combine and cooperate with the other. The noble and learned Lord had made some very severe observations on the dispatches from Upper Canada of Sir Francis Head, and unquestionably these might be considered as not altogether free from a certain over-chivalrous tone, not altogether unmixed with imprudence, and as exhibiting a mode of proceeding somewhat hazardous in its character; for it appeared from Sir Francis Head's own statement that it was only owing to accident, and to a little hesitation and want of resolution on the part of those by whom he was assailed, that he had not suffered very severely from his over-confidence. He quite agreed with the noble and learned Lord that if they were to judge entirely from the expressions used by Sir F. Head himself, it could hardly be denied that that officer would appear to have given encouragement to those crimes which it was stated might, by a different line of proceeding, have been prevented. But it must be considered that these expressions were cast in the epigrammatic pointed style which Sir F. Head was known to admire, and which might lead persons to see in them a wider statement of what had been done, and what dangers had been incurred, than was meant to be conveyed. In considering the question of the propriety of delay in interfering in what was going on, it must be remembered that in the present times a preventive or precautionary policy was not very popular; that a man ran great risks in pursuing it; that until an insurrection actually broke out there were very few persons who would admit that there was an intention that it should break out. Had such strong measures been taken as to prevent the outbreak, and the parties in question had not actually joined themselves to the insurgents, it would have been asserted on all sides that there never had been the slightest intention of insurrection; that nothing had ever been proposed to be done but by the most constitutional means; and, therefore, though undoubtedly he could not praise the prudence of Sir F. Head's conduct, on his own showing, yet in all probability, if that officer had interfered too early, he would have run the risk of a charge of having interfered without any reason whatever. He must certainly admit also that the events which had taken place in Upper Canada, on the frontier, were full of that evil and misfortune which had been so eloquently and ably stated by the noble and learned Lord. There was, however, not an insurrection of the Upper Canadians, but in fact an invasion on the part of certain wild and lawless inhabitants of the United States of North America. The persons who had occupied Navy Island were mostly North Americans, and the person who described himself as their general was a native-born American. It was, under such circumstances, highly satisfactory to him to have it in his power to state that all these proceedings were entirely disapproved of and discountenanced by the Government of the United States; that our minister at Washington had received the most complete disclaimer of these proceedings on the part of the Government there, and the most satisfactory assurances that all the powers of the central Government would be exerted for the purpose of putting an end to the insurrection, and preserving the neutrality of the United States in a contest which they deeply lamented. Further, a message had been sent to Congress for additional powers for this purpose, and a proclamation had been made by the President exhorting the citizens of the United States to abstain from interfering in the contest. Though he looked with as much anxiety as the noble and learned Lord to this subject, yet that anxiety and solicitude were much diminished by these assurances of good faith, prudence, and wisdom on the part of the North American Government. Notwithstanding the severity of the noble Earl opposite, and the bitterness, the acerbity, of the noble and learned Lord on his right hand, yet to him it was a great matter of consolation that on the bill before their Lordships there was no difference of opinion. He could assure their Lordships that so far as the Government of this country was concerned, and as far as the noble Earl entrusted with the execution of the measure was concerned, there was the utmost anxiety to heal the wounds now open, to produce a return of good feeling and affection between this country and Canada, and to do every thing to promote the happiness and prosperity of that province.

Lord *Brougham:* I purposely abstain on this occasion from going further into the personal remarks of the noble Viscount, because I will not thus interrupt the discussion of a great public question. But, when he compares and contrasts my conduct towards the Government this Session with that which I formerly held, he utterly and notoriously forgets the whole of the facts. Has he forgotten, can he have forgotten, that last May I both urged the same charges and recorded them on your journals? I even pursued the self-same course of argument which has, I observe, to-night given him so great offence. He speaks of "acerbity." A person supposed to have used bitter remarks is, perhaps, not a judge of the comparative "acerbity" of his different observations, nor is that person, possibly, against whom they have been employed. But, I venture to say, that, of all I said this night, the portion which he felt the most bitter, and to which, be it observed in passing, he made not the least allusion, was my comparison of his conduct towards unrepresented Canada and well-represented Ireland. Well, last May I drew the very same comparison, and nearly in the same terms, made the same quotations from the Ministerial speeches in the Commons, and recorded the substance of the comparison in my protest. My Lords, I indignantly and peremptorily deny that the motive or principle of my conduct is changed. But I know that the changed conduct of others has compelled me to oppose them, in order that I may not change my own principles. Do the Ministers desire to know what will restore me to their support, and make me once more fight zealously in their ranks, as I once fought with them against the majority of your Lordships? I will tell them at once. Let them retract their declaration against reform, delivered the first night of this Session, and their second declaration, by which (to use the noble Viscount's phrase) they *exacerbated* the first; or let them, without any retraction, only bring forward liberal and constitutional measures, they will have no more zealous supporter than myself. But, in the mean time, I now hurl my defiance at his head—I repeat it—I hurl at his head this defiance, I defy him to point out any, the slightest, indication of any one part of my public conduct having, even for one instant, been affected, in any manner of way, by feelings of a private and personal nature, or been regulated by any one consideration except the sense of what I owe to my own principles, and to the interests of the country.

The Duke of *Wellington* said, that he wished to avoid, as far as possible, any reference to what had passed theretofore; and he would only refer to that part of his noble Friend's speech, in which his noble Friend had referred to the mission of Lord Amherst. He concurred with his noble Friend in thinking that if Lord Amherst's mission had been allowed to go on, or if a similar mission had been sent out under the auspices of another person or under another Government, to carry into execution measures in 1835 which were only inquired into in 1835 and 1836, and which were not ready to be carried into execution until 1837, that there was at least a chance that these measures would have had some success in preventing what had happened. The noble Viscount had stated that the election of a legislative council, and the election of an executive council would still have been insisted on; and he (the Duke of Wellington) admitted that if this had been insisted on by the legislative assembly of Canada, it must have been resisted by this coun ry; but at all events there was a chance, and he must say (and in this he concurred with the noble and learned Lord, and the noble Lord who had began the debate) that the inquiry of the last commissioners, considering what had passed before, was, to say the least of it, utterly useless. The present measure was applicable only to Lower Canada, and he must observe, on what had been stated by the noble and learned Lord in respect of the necessity of defining the degree to which such a province as Upper or Lower Canada might offend, before such a measure should be insisted on, that there was a clear distinction to be drawn between Upper and Lower Canada. It was true that rebellion had occurred in each; but it must be observed that Upper Canada had not refused to provide the means of administering the civil Government; had not refused to supply the means of administering justice; had not insisted on a revolution of Government, and on rendering the legislative council elective; and Upper Canada had refused the supplies to her Majesty on the score of those very measures; at the same time he must observe, that those measures had not been thought of by the Assembly of Lower Canada until after the act of 1831 had placed the money at their disposal; they had not thought of elective legislative council or of an elective executive council until the measure had passed which left the money at their disposal, and then they came and made their demands, and told us, that unless we destroy that constitution under which we claim to hold those provinces—viz., the act of 1791—that unless we repeal a great portion of that act, and give them possession, not only of the money, but also of the possession of the government, by means of an elective executive council, then they would not give us the means of administering the civil Government, and of administering justice to our subjects in Canada. The conduct of the House of Assembly in Lower Canada made a great distinction between Upper and Lower Canada; but this was not all. A great number of the Members of the Legislative Assembly, and even some of the Legislative Council of Lower Canada were concerned in this rebellion; some of them were leaders, and some had been killed, others had been made prisoners, and others had escaped to the United States, and now stood proclaimed as rebels and traitors, having fled from justice, and this made another distinction between Upper and Lower Canada. There might be one or two traitors in Upper Canada, but for every one in Upper Canada there were at least thirty, forty, or fifty such in Lower

Canada. Under these circumstances, there was a strong distinction between the two provinces; and therefore, in his opinion, this bill had not properly been made applicable only to Lower Canada and not to Upper Canada. The noble and learned Lord had adverted to the complaints made of the conduct of the Assembly of Lower Canada, in using their privilege (and to which the noble and learned Lord adverted in very strong terms), the privilege of refusing the supplies. The noble Lord had said we told them that they had the money at their disposal, and consequently the privilege of refusing the supplies, and then we, at the very first moment of their exercising that privilege, turned round and say they must forfeit their constitution. He should be one of the last to defend the arguments of the noble and learned Lord; but against the act of 1831, which had given the House of Assembly, possession of all the revenue of the country he had protested. From every thing that had since taken place, he felt satisfied of the propriety of the course he had then taken. He must, however, do his noble Friend who brought in that act the justice to say that he believed, from what had taken place, that his noble Friend had every reason to believe, at the time of introducing and passing that act, from what had been told him by the persons who negociated the matter in 1831, that if that measure passed they would take steps to ensure the granting such a civil list as would be an ample compensation for the money surrendered, and that provision should be made for the civil government of the province and for the administration of justice. With this condition they nevertheless at last turn round and call upon us to destroy the constitution which had been given in 1791, and say that we had forfeited all claim to payment of a civil Government, and of the administration of justice in the province. There was a clear distinction between Upper and Lower Canada, and he thought there was no ground whatever for any definition (which had been maintained by the noble and learned Lord) of the amount of offence of any provision before they should lose their constitution. It was quite clear that it was absolutely impossible to call together the Assembly of Legislature of Lower Canada to carry into execution any measures which it might be expedient hereafter for the Government to propose with respect to that province. In order to carry into execution the provisions of the present bill, and in order that an investigation might be instituted with regard to the measures which it might be necessary to adopt, as the basis of the future Government of Canada, her Majesty's Ministers had selected a nobleman, who was to proceed to that country with certain instructions. Their Lordships had before them a paper containing those instructions, and, though it was not his intention to advert to them at any length, yet he must be permitted shortly to notice the principle on which they were founded. As he had before stated, the bill exclusively referred to Lower Canada; but the instructions affected the Government, not only of Lower Canada, but of Upper Canada also. In respect to Lower Canada, the governor-general was directed to summon, for the purpose of advising on measures for the government of the lower province, not the legislative council of that province, but certain persons from the upper province, some of whom were to be selected from the Legislative Assembly of Upper Canada. But this was not all. It was also proposed, for the purpose of forming a new constitution for Lower Canada, that there should be not only this detachment from the legislature of Upper Canada, but also a body consisting of ten persons elected by five districts in Lower Canada, who were to act with the governor, both as a council of advice, and as an executive council.—So, then, it appeared that the English Government had been disputing rightly and justly, in his opinion, on the claim made by the House of Assembly of Lower Canada for an elective Legislative Council; and, after all, the new Governor was to go out with instructions to form a council of persons elected in part by the Assembly of Upper Canada, which as regarded the lower province, was, to all intents and purposes, a foreign nation—in part by five districts in Lower Canada, and in part by the Governor. He certainly thought the noble Lord opposite was justified in not including Upper Canada in the provisions of the Bill, but he should like to know what that province had done to induce the noble Lord to deprive the legislature of Upper Canada of their power to legislate on the subject referred to in the instructions. Why was not the legislature of Upper Canada to be allowed to express an opinion on the grievances affecting that province? Was all that to be settled by the new council of advice? On several subjects touching the two provinces, all was to be done by this convention to be framed by the Governor. Suppose that the Legislature of Upper Canada said, that they would not elect these thirteen persons to meet and hold consultations with the Governor, but that the subjects should be taken into consideration by the legislature of that province itself. He would advise that, if the constitution of Lower Canada was restored, that they should let the House of Assembly take these subjects into its consideration again, while, in the mean time, the matter could be considered by the Legislature of Upper Canada. He would rather let the Governor-general, to be sent out to Canada, call together certain persons to consult and advise with him as to the future government of that country, but would not let them have that convention which possessed no constitutional authority, but which was an usurpation by her Majesty's Government on the rights of the legislature of Upper Canada. It appeared to him, that the course which had been adopted was that which few persons were convinced would lead to a satisfactory result, but all agreed that the body to be called together was something like a convention for the formation of a new constitution. In the instructions there was a promise to return to the constitution as soon as possible, and words nearly to the same effect were repeated in the preamble of the Bill. It was clear, that the object in view in forming this convention, was the framing a constitution for the future government of Canada; but this convention, however, was altogether inconsistent with the Constitution of this country, and inconsistent with the principles on which the Legislature of this country acted in framing the Act of 1791, and on which principles the colonies of this country had been governed. In 1791, the measure giving a constitution to Canada was framed, in acquiescence with the opinion of all parties that this country had a right to give constitutions to these two provinces of Upper and Lower Canada. This right had never been forfeited—it existed in the same degree now as in 1791, and there was no occasion for a convention of the states in Canada to enable the Legislature of England to frame and grant a constitution; but the words of the preamble of the Bill were intended to throw a light on the subject, and induce persons to believe, that something like a convention was to be called together, on the recommendations of which the future constitution was to be framed. Did any one believe, that there was any use in calling this convention together under these circumstances? The noble Lord appeared rather disposed to dispute the advantage of sending Lord Amherst to Canada in 1835, but he (the Duke of Wellington) thought that it would be found to be a more convenient course to legislate here on the information sent home, than to call together such a convention as that now proposed. Nothing, in his opinion, would be found to be a greater difficulty than attempting to carry these instructions into effect in those two provinces. Moreover, he contended, that these instructions could not be carried into execution in the two provinces. It might be the duty of the noble Lord at the head of the Government to carry out the measures for the future government of Canada, and for the settlement of the questions that had arisen between the upper and lower province; but in doing so, he must attempt to carry measures into execution which would at an early period advance, in the opinion of the leading men, the interests of those countries, and that such a system of government should be adopted as would conduce to the well-being and satisfaction of the people. He was most anxious that these points should be clearly ascertained and known, for in his opinion it was quite inconsistent with the usual practices that such a body as this convention should be framed and called together by these instructions. He now wished to refer to a point in their discussions with respect to which a great deal had been stated by the noble and learned Lord in relation to the election of what was called the Legislative Council of Lower Canada. In his opinion the noble and learned Lord had not stated accurately the relations between the governors of a colony and the Executive Government of this country. The noble and learned Lord had seemed to think that the Governor of a colony could, without the smallest difficulty or inconvenience, refuse his assent to acts of the Colonial Legislature. Now, he conceived on this point the noble and learned Lord was not quite so accurate as he generally was. Some of their measures might be referable to peculiar circumstances, respecting which the Government at home would be the best able to form a judgment. They might have reference to the relations with foreign states, or they might involve such a question as that which had grown up between the provinces of Upper and Lower Canada, namely, as to the navigation of the St. Lawrence. Now, the Governor of Lower Canada might find it exceedingly inconvenient to refuse his sanction to a measure on this subject, but still it might be attended with great inconvenience to Upper Canada. Again, in Lower Canada there was a very large English population, which required protection, and whose only protection now was the Legislative Council, which was named by the Crown; and if the nomination of this part of the Legislative body was given up, this numerous class of inhabitants which so much called for sympathy and protection, would be sacrificed to the party that predominated in the House of Assembly. He entreated noble Lords in considering this or other measures respecting Canada, to take care to frame them in such a way as to secure to both provinces the best Government that could be conferred on them under their peculiar circumstances; to frame their Government on the principles of the British Constitution, and, above all, to take care to ensure ample funds for the administration of the civil Government, and also of justice, and at the same time to take care to render the Government as cheap as it possibly could be consistently with the attainment of these objects, for by no other means could tranquillity or peace be secured to them. He entirely agreed with what had been stated by the noble Viscount as to the military operations that had taken place. He believed from what he had heard and read, that both the rebellions in Lower and Upper Canada had been forced on prematurely—the one nearly a month and the other nineteen or twenty days before it was intended that it should break out. He had no doubt that that in the Upper Province broke out nineteen or twenty days before the period fixed for the outbreak; and under the peculiar circumstances, and knowing what was about to be attempted, as a matter of prudence, Sir F. Head might as well have kept his troops in the upper province as have sent them away. With respect to the other province the military officer commanding there from the first, said that in case of an outbreak the insurgents had no chance of success. This opinion had been given some time ago. And here he begged to observe, that the present was not a military question, but was one of a political nature. He believed, that it had been stated at the early part of the Session before they heard of the outbreak, that there was no chance of one taking place. The general officer commanding in Canada, however, had made arrangements as if he expected a rebellion. He ordered officers on leave to be recalled, and lines of military communication to be opened, and instructions to be issued to officers commanding detachments—all which an officer in his situation was likely to do. It was evident a certain party in this country had been informed of these matters, for he was much surprised to find that an hon. Gentleman in the other House of Parliament, in the debate on the address, mentioned these very measures that had been taken, and asked a question as to what had taken place to call for these arrangements. From this it was clear that certain communications on this subject had been made to certain parties in this country by some of the disaffected in Lower Canada. It was impossible to say, that this rebellion could have been prevented; but now that it was perhaps suppressed, he entreated her Majesty's Ministers not to suppose that they had got rid of it. He entreated them to proceed with their propositions, and to assemble in Canada at the earliest possible period the largest force the resources of the country would admit of. He repeated, that there could be for this country no such thing as a little war; and he begged the noble Viscount to observe, that since the 22nd of December, the first day on which intelligence of the unfortunate transactions in Canada were received, not less than four important events had occurred, each of which was calculated to excite the deepest attention of the Government. He knew from accounts to which the noble Viscount had referred, that the President of the United States had desired additional power in order to prevent hostilities on the part of citizens of those states against Upper Canada, and that he had sent an officer (General Scott) to the frontiers of Canada to examine the state of things on the American side, with the view to the more effectual prevention of the threatened hostilities. It had been seen, that within a a very short space, points had been raised relating to the question of the boundary of the state of Maine, to that of the river Columbia, to that of Mexico, besides other important subjects, and he had no doubt that, in proportion as the present difficulties in the Canadas died away, other questions would arise which would require the most vigilant attention on the part of the Government of this country. The Government must, therefore, he repeated, not look upon this as a small affair. They should consider, and he entreated them to do so, that in proportion as they were strong in Canada they would have the countenance and support of many in the United States who would otherwise be against them, even though in doing so they might act against their consciences. He entreated their Lordships not to suppose that this affair was at an end, or that the present business being over, a satisfactory settlement would, on that account, be effected of all the difficulties which encompassed our course of legislation with respect to that part of the empire.

Lord *Brougham* wished to offer a word or two in explanation as to one part of the noble Duke's speech. He thought that nothing was more likely than that a man of the experience and skill of Sir John Colborne would take all measures of necessary precaution against any outbreak. But how could the noble Duke jump to the conclusion from that circumstance that the disaffected only were acquainted with the exact time at which the outbreak was to take place? Why, the noble Duke said, that he himself heard of the likelihood of such a proceeding, and no one, surely, could think that the noble Duke had any connexion with the insurgents.

Lord *Wharncliffe* began by observing that the noble Viscount (Melbourne) had a manner of speaking which it was exceedingly difficult to meet with effect; for there was so much candour and good humour in the tone of his address that he almost disarmed all opposition. The noble Viscount's Government was placed in a situation of great responsibility: they were by their remissness liable to the charge of having so managed matters as to bring about the present unfortunate state of affairs; and it could not be asserted that they had given any adequate answer to those accusations. The noble Viscount said, "I defy you to put your hand on any part of our conduct which is culpable." He thought, however, that not only had his noble Friend (Lord Aberdeen), but that previous to his speech that evening his noble and learned Friend (Lord Brougham), had preferred many great and heavy charges against the Government, fully deserving a well considered and a well reasoned defence. He, though much less able for the task than those who had preceded him, would endeavour to show that through the whole of these transactions, from the moment the present Government took office, every step, which was adopted was calculated to lead to the consequences which all now lamented, and all their measures from the first were justly liable to censure. When the Government which preceded that of the noble Viscount came into office they proceeded to take steps not of inquiry merely, but they sent out a noble person, who by the character and station which he before occupied, was well worthy of such a trust, and who was empowered to remedy all real grievances. That nobleman was to act on his own opinion, resting on the responsibility of the Government under which he served. Previous to that what was the state of Canada? There was not merely a refusal of supplies, but in February, 1834, ninety-two resolutions passed the House of Assembly, and he ventured to say, that if anybody read them with care, he would be convinced that an elective council and an alteration in tenures were not what they really desired, but that the object of the real and firm determination of those who agitated the Canadian people and led the House of Assembly at that time was the formation of a republic and a connexion with the United States. If any one were to read attentively these resolutions, he would perceive that the whole spirit which pervaded them was this, "What is good for your country is not good for ours: we are Americans; we have happy and free estates on our frontier, and their institutions we desire to see introduced into Canada." Such appeared to him to be the real objects of the leaders at least of the Canadian people, namely the establishment of a republican form of government, with a view to throw off the connexion with this country, and to become a part of the United States. He agreed that this country would do wrong in not making an effort to keep up the connexion, and to maintain the constitution which we had given them in analogy with our own. It was our duty to try and remove all the grievances which were found really to exist, but at the same time to tell these people, with firmness and decision, "You ask for some measures which you know must sever the connexion between us, and which cannot, therefore, be conceded by the Imperial Parliament, and must, if necessary, be resisted with force." What was the first fault committed by the present Government? They sent out three commissioners to inquire into the nature of the grievances, that was to commence an inquiry which was to last two years. The Commissioners sent home two reports, in which, though they contained much valuable information, it was almost impossible to see what it was they intended to come at. They had also this additional disadvantage, that against almost every recommendation of any individual Commissioner, there was the protest of the two others. There was scarcely any thing of any importance in which they were unanimous. To send such a commission was, he repeated, a wrong course. But what was the next course? When the supplies had been again refused by the House of Assembly, a series of eight resolutions had been moved and carried in the House of Commons. In carrying those resolutions, the Government had had the support not only of the great majority of those who usually voted with them, but also of those who in general opposed them. Yet, with all this support, they had allowed those resolutions to be hung up in the House of Commons from the 6th of March to the 24th of April. Much of this time had been lost by not making Houses and by early adjournments, which a Government, with such support on this question as he had just referred to, ought not to have permitted. Now, what defence did the noble Viscount make for such conduct? "How," said he, "could we prevent other subjects from being pressed for determination? Gentlemen must make speeches and motions on questions which they consider of vital interest to their constituents." He was aware of the great fault of the other House of Parliament—that there was too much talked and too little done; yet with that knowledge he would say, that if the Government, which had been more than once urged to it, had acted with energy, the eight resolutions would not have been hung up in the Commons for the length of time he had mentioned. If it had been a bill which they had to carry through, and that a factious opposition had been raised to it, there might be some palliation of their conduct, though even a Bill they could have carried through in the time with the support they had. But it was not a Bill they had to carry through. It was a string of resolutions, which one vote of a Committee could have carried. The eight resolutions came up to that House on the 10th of May, and passed without any opposition, save, he believed, the protest of his noble and learned Friend. Why not then have brought in a Bill? It would have been of the utmost importance that the resolutions and the Bill founded on them should have gone out to Canada as early as possible. On the 15th of May a despatch was sent out saying that it was intended to bring in a bill, but between that and the 20th of June, when his late Majesty died, there would have been time to carry a Bill through. Even supposing a factious opposition, and that the King had died in the progress of the Bill, he thought that Ministers would have been doing their duty to her Majesty if they had not postponed the Bill to another Session. Why had the delay taken place? There was an event about to take place in which the Government took an interest. It was well known that a gentleman was to be proposed for Westminster who was strongly opposed to such a bill. It was also well known that not only had Ministers exerted themselves to forward the return of that Gentleman, but that even the name of the Queen had been used to promote it; but it was also well known that if the Canada Bill had passed before the election, it would not have been so easy a matter for Ministers to have given him their support. He would say that not having passed that bill in time was one great cause of the outbreak in Canada, and this was one of the charges which was entitled to a serious answer from the noble Lords opposite. The next ground of charge against Ministers was, that they had left the Canadian provinces without a sufficient military force before the outbreak. He knew it was said in answer to this that it was the opinion of the noble Duke (Wellington) and also of Lord Gosford, that the troops in the Canadas was sufficient for any service on which it was at all probable that that they would be required. The noble Duke spoke from the information of other military officers, but as to Lord Gosford, though he might have been, and no doubt was, of that opinion at the time he gave it, yet he did not hold the same opinion in the July following, as he proved by sending to Halifax for all troops that could be spared, as he had previously been authorised to do. Now, that he thought ought to have been a sufficient warning to the Government at home, and should have induced them to make arrangements in time to provide a sufficient force. It was true, that two or three regiments of regular troops might be sufficient to put down any outbreak in Lower Canada; but that was not the only thing to be looked to. Provision should be made to protect the loyal, and also to destroy the temptation to rise, for that was a most important consideration, as one of the best effects of a sufficient military force was the prevention of any attempt at insurrection. He was fully sensible of the excellent conduct of the people of Lower Canada on the late occasion, and how much it redounded to their honour that the Government had been able to put down the revolt so effectually. Application was made to the Governor of Upper Canada, and he at once, with a boldness, or he might perhaps better term it a rashness, the principle of which was more to be admired than imitated, had at once sent away all his troops to the lower province. Could any man doubt for a moment that the absence of the troops was the immediate cause of the outbreak in the upper province? It was well to say that the governor could depend on the loyalty of the people of Upper Canada. There was no doubt that they were and would continue to be a loyal people; but then to call out men who had not been much accustomed to arms, and who above all were not under that strict discipline which distinguished regular troops was at least attended with some hazard; and it would be admitted that a few regiments of regularly disciplined troops would have been much more effective than large bodies without such discipline. Was it not partly owing to this want of discipline and impatience of restraint amongst the American neighbours of the Canadians, that we were now in the situation in which we at present found ourselves with respect to the United States. Had a sufficient military force been left in Upper Canada, we should never have heard of the outbreak in that quarter, nor, of course, of the aid offered by those citizens of the United States who took part with the revolted. These results of the policy of Ministers were grave charges against the Government, and all the answer that had been given to them was, that in the opinion of some military officers any addition to the forces of Lower Canada was not considered necessary. He confessed that that answer did not satisfy him, and he was sure would not satisfy the country; and, with all the good humour of the noble Viscount, he thought it was a point on which he felt reluctant to press him. Though the rebellion was still said to continue in Upper Canada—though it had been crushed in the lower province, he, for one, thought that of the latter province much more serious in its nature. He knew that there had been, and that there always would continue to be, a number of discontented spirits in that province, and that they would always look to a government separated from that of this country. He knew also that there was there a constant influx of persons from these kingdoms, who went out poor in circumstances and with republican principles which they imbibed here, and which, though not very dangerous here, would not be found without danger in a colony which had close to it a long line of frontier of that republican government to which they were attached. The effect of the recent outbreak would be felt in that colony for many years to come, but the outbreak itself might have been prevented if the Government had used diligent exertion. Another cause of our present situation with respect to the Canadas was, the unfortunate situation in which the Government had been placed since its formation. They had never acted for themselves, but were always obliged to yield to, or dally with, those whose support was considered necessary to their existence as a Government. They, therefore, had not often the opportunity of asserting their own real opinions, which were so frequently overborne by those on whom they depended. There were, as he had said, some parts in their conduct since, which were deserving of censure: and first with regard to the notable convention. They would not dare, in the other House, to have recourse to strong measures without the consent of a certain party in that House, without whom, it was well known, they could do nothing. In order to obtain that consent, they were obliged to qualify the severity of the measure by a show of liberality and constitutional form, and therefore they proposed the convention. Government was found, in that House, allowing its own Bill to be handled and corrected by their opponents, and were obliged to consent to the striking out of what had been termed the only redeeming clause. Another sop which they were obliged to throw out to conciliate that party was the appointment of Lord Durham. He entertained a great respect for the character and talents of that noble Lord, but he begged leave, at the same time, to intimate a doubt whether that noble Lord was the properest man to settle a question of such a kind. He knew of only one reason, and that was that Lord Durham was a man of strong and even ultra-liberal opinions, one who had gone further than many in supporting the Government of the noble Viscount opposite, and in recommending changes of, as it appeared to him, a dangerous, or, at least, questionable character. That noble Earl had, of course, a right to entertain those opinions. But, being pledged to them, he was not precisely the proper person to carry out the measure. If he were a loyal inhabitant of Lower Canada, he should be disposed to look with great suspicion on the acts of such a person. If, on the other hand, he were a follower of Mr. Papineau, he might look upon the noble Lord as being made up of "squeezable materials." These were the points in respect of which they were not acting right in the affairs of Canada. With regard to the Bill itself, he wished some experiment had been made with a view to obviate or prevent the suspension of the constitution of Canada in the first instance. He himself was not sufficiently informed upon the subject, but no doubt the Government were in possession of sufficient information to enable them to judge. He must say, that he was not quite satisfied whether it would not be possible to have done without the suspension of the constitution, at least for so long a time as it was suspended by the Bill—whether it would not be possible to call the Canadian Legislature again together at an earlier period. He thought, if they had passed the Bill of 1831, coupled with strong, vigorous, and decisive measures, and had, at that time, told the people of Canada, that their demands for an elective council were exorbitant and impracticable, and would be firmly resisted. that the present measure would hardly have been necessary. He felt himself compelled reluctantly to give his assent to the Bill. With respect to the principles on which the noble Viscount opposite had declared that the Government was to be conducted, in them he entirely concurred. It was their business to redress grievances, to do justice to all parties, and so to work the Bill, as that in process of time, and at an early period, a constitution might be produced, fitted to the state of society in Canada, and suited to its wants and interests. He confessed he did not expect a great deal from the mission of the noble Earl. He hoped, however, that it might be successful, and that the noble Earl would not forget the principles expressed by him in that House.

Lord *Glenelg*, in reply, said, there was one circumstance in the speech of the noble Lord who had just sat down which he regretted very much. Notwithstanding that the debate hitherto had been characterised by an almost total absence of all party allusions, and had been conducted in a manner and with a spirit superior to all political animosities, that noble Lord had thought proper to mix up with his speech a great deal of party feeling and party observation. The noble Lord seemed to think that the noble Viscount (Viscount Melbourne) had failed in offering any answer to the charge brought against Government. He had paid a merited eulogium to the speech of the noble Earl (the Earl of Aberdeen), to that of his noble and learned Friend (Lord Brougham), and to the powerful and conclusive speech of the noble Duke, and referred to the inadequate and feeble addresses of the noble Viscount. By a consequence, however, not very easily foreseen, the noble Lord thought it necessary to support that side which he considered triumphant, and which it could not be supposed he should have deemed essential to espouse. He (Lord Glenelg) must own that he differed from the noble Lord in his remark, that the noble Viscount had not adverted to the points on which he was attacked. It seemed to him, that his noble Friend followed accurately the points of attack, and gave a satisfactory answer to each. The noble Lord had said with respect to the ninety-two resolutions passed by the House of Assembly in 1834, that it was impossible not to see that the object of the House, or at least of its leaders, was either to create an independent republic, or to form a connexion with the United States. He was not disposed to think that their real object was to establish a connexion with the United States. Judging from subsequent events, and drawing an inference from the proceedings which had been since developed, he was rather disposed to say, that the real object was the formation of a great independent Canadian republic. But what was blameable in the conduct of the Government with reference to those resolutions of the Canadian House of Assembly? Lord Stanley either brought in, or announced a bill, which was not favourably received by the House of Commons. A Committee was then moved for by Lord Stanley, to whom were referred the ninety-two resolutions drawn up by the House of Assembly, with a view of determining what line of proceeding was to be adopted in respect to them. That Committee met, examined various witnesses, and came to a decision, which, though it might not have been pronounced before noble Lords went out of office, pointed out the course to be pursued in respect to those resolutions. He (Lord Glenelg) conceived that that decision gave as complete a negative as could be given to the charge of not bringing a Bill into Parliament. But the noble Lord who spoke last, and he who began stated their opinion that we were to blame with respect to Lord Gosford. That was a matter of opinion in which he entirely differed from the noble Lord. It was very easy to state an opinion and to heap invectives on those who opposed it; but if this were a question on which men might reasonably be supposed to act from the same honourable motives, then he must submit that such censure ought not to affect the Government. Under these circumstances, there certainly was ground at that period for inquiry. In 1832, the House of Assembly of Lower Canada thanked Government for what had been done; three years after they changed their resolution, and passed the ninety-two resolutions to which the noble Lord had adverted. It was evident there must be some reason for the change that required examination. Not thinking it proper to negative at once all the demands of the Legislative Council, the course of inquiry was determined upon. The noble and learned Lord complained of delay on that occasion. He (Lord Glenelg) denied that there had been any delay. The Commissioners did their duty with as much expedition as possible. "But," said the noble Lord, and the noble and learned Lord, "you ought at that time to have taken your stand on the elective principle." If they had, Lower Canada would have been in a much worse state, both interiorly and anteriorly, than it was at present. When Lord Gosford first went to Canada the seigneurs and men of large estates on both sides of the St. Lawrence, below Quebec, were connected with the Papineau party. If those individuals had taken a part in the occurrences of 1837 a very different result might have occurred. By their great influence they might have produced most disastrous consequences. They had, however, been perfectly tranquil. He put it to the noble Lords, whether the talents, and character, and weight of the individuals he had alluded to might not have been exceedingly injurious, had not Lord Gosford taken measures for separating them from the Papineau cause, and rendering them faithful to the royal cause? Similar measures were resorted to with reference to the adjoining provinces of Nova Scotia and New Brunswick, in which considerable discontent and agitation prevailed; and some most important changes were effected in these provinces. He begged, however, not to be misunderstood. He was confident those provinces would never have taken any part in the recent insurrection. They had too high a spirit of loyalty for that. But there could be no doubt there was a greater analogy between their feelings and ours, that their affection for England was stronger than at the period to which he had alluded. These were some of the advantages derived from the course of inquiry which had been adopted; and, therefore, he considered the censure which had been cast upon Government on the subject, was a precipitate one. The question of the military defence of Canada had been much discussed both on the present and on a recent occasion. He might be allowed to observe with respect to that question that none of the authorities in Lower Canada, civil or military, had the least suspicion that there was any danger of insurrection in the province. Nothing could give a stronger proof of their convictions upon that point than the fact that they had troops within their reach, and did not consider it necessary to make use of them. Troops were always within their reach, and an order was sent to the Governor of Nova Scotia to supply them with troops. On the 1st of June a demand was accordingly made, but it was only for one regiment. There was no further call made for a considerable time. Indeed, it was not till the end of October that two additional regiments were asked for of the Governor of Nova Scotia. It was not, therefore, a fair statement or a just representation of the fact, to say that the authorities of Lower Canada were left without the means of supplying themselves with troops if they needed them. They had such means amply within their reach. Besides, the presence of troops in Lower Canada would not have prevented the outbreak, which was premature. He believed that the leaders had encouraged the people in strong measures. He believed, however, that it was far from their intention to precipitate matters so soon, or to bring on the crisis at that particular moment. In the Upper Province also, Sir Francis Head had willingly divested himself of the troops placed at his disposal. Upon that subject he could not but offer his best thanks to the noble Duke opposite, for his excellent and statesmanlike view of the question as regarded the United States. It was satisfactory to know the friendly feeling existing upon the part of the government of the United States. He trusted that in conformity with an advice of so much weight, and coming from so distinguished a person, they would continue to give their attention to the subject in all its bearings, and to the various topics suggested in the noble Duke's speech. It would be very satisfactory to hear what effect recent occurrences had had on the American government. Of this he was confident that that Government would not take any step inconsistent with the faith of treaties. No official accounts had yet been received of the unfortunate event connected with the destruction of an American steamer. Any unnecessary loss of life must always be lamented; but, as his noble Friend had observed, both nations were at present in a state of perfect amity and concord, which he did not think it likely that any event of that nature would disturb. He was persuaded that the American government would not take any rash or hasty step upon the subject; and if it should turn out that we were to blame in the transaction, the English Government would not hesitate to show their sense of what was due from them. Much had been said with respect to the instructions that had been given to the noble Earl who was about to assume the government of Canada; and the subject had been argued as if the Committee of advice mentioned in those instructions were to possess legislative powers. But it was not proposed that that Committee should possess any legislative power. That appeared to him to be a complete answer to the noble Lord, who said that the Bill would nullify the instructions. The Committee of advice would in no way trench on the privileges of the Legislature. Their functions would be entirely separate from those of legislation. It, however, had appeared to be of importance that the Committee should be recognised in the instructions. But it had been argued as if the noble Earl must of necessity carry the suggestion in the instructions into effect. That would be in his option. If he found things in Canada as Government supposed, then this suggestion was offered to him. The noble Duke had said, that he thought it would be right in making any alterations in Canada, to consult the feelings of the people themselves. That was a sentiment that must be echoed by every one. The noble Duke had, however, observed that this measure would be an encroachment on the functions of the House of Assembly of Upper Canada. With great respect to the noble Duke, he could not see the matter in that light, and that precisely because, as he had already said, the proposed Committee of advice would not possess any legislative power. The whole object of their appointment was, that they might offer their suggestions to the Governor-General. After that advice had been given, if it were approved of, measures would be taken to carry it into effect, not by the Committee, but either by the Imperial Parliament, or by the local Legislatures. As for the preamble, although certain words had been excluded from it, the purport and substance of it was the same as before. It appeared to him to be impossible to separate the interest of Upper and Lower Canada. They could not leave Upper Canada much longer in its present situation. The inhabitants of that province had at present no free outlet to the sea. They were in the midst of a great nation, whose means and power were gradually swelling into the highest importance. The people of Upper Canada were shut out from the ocean, except by the medium of that noble river which mocked them with the notion of free commerce, or by traversing the dominions of another nation which might not favour their objects. This could not long be allowed to continue. It was their duty to give Upper Canada relief. But how was that to be effected? Only by uniting the two provinces with reference to objects common to both. They must give the upper province some influence with respect to that great river through which alone their commerce with the world could be carried on. That could not be done while the insulated state of Upper Canada was a barrier to the union of the common interests of both provinces. While that state continued, we might say to the people of Upper Canada, "We know your situation is irksome, we hear your remonstrances, we admit that your conduct is such as to entitle you to our favourable attention, but we cannot give you any relief." Justice, therefore, required that we should consider whether the province of Upper Canada had not a right to have a voice in regulating and superintending the navigation of the St. Lawrence. There were other subjects, such as canals, railroads, &c., in which the two provinces might be considered as having a common interest; but respecting which, in the present relations of those provinces, discontent and fretfulness on either side might increase day after day, until at last consequences injurious to both sides would occur. It had been well said by the noble Viscount, that we must so shape our course as to show that we contemplated the future grandeur and independence of those noble provinces. Far be it from them to shrink from such a contemplation. Let them do, with reference to those provinces, what justice, reason, and common sense dictated, and he would boldly predict that their attachment to this country, their sympathy in its interests, their exultation at its triumphs, would continue to exist when they were raised from provinces to nations. They had no wish for that at present. But what he wished especially to impress on their Lordships, was the expediency, while they took into consideration the interests of Lower Canada, not to exclude the consideration of the interests of Upper Canada. Some idea had been thrown out of a federal union of all our North American states. That was a subject for deep and future deliberation; and therefore one on which no one should hastily pronounce.

The Duke of *Wellington*, in explanation, stated, that he did not object to calling in any of the inhabitants of Upper Canada to join in consultation with reference to the affairs of Lower Canada, but to calling them in for purposes of legislation.

Lord *Ashburton* expressed his opinion, that if any one thing was more important than another, it was, that care should be taken to show clearly what it was that the noble Earl about to proceed to Canada, was to do; for the people of that country would otherwise be jealous of his authority. Having attended all the Committees of the other House on the affairs of Canada, he (Lord Ashburton) had of course a general knowledge of the subject; but he would take another opportunity of stating his sentiments on the present question. He was persuaded, that up to a certain period the representations of grievances made by the Legislative Assembly of Lower Canada, had been fair and honest. But those grievances had been remedied; and the remedy for some of them had even been put into the hands of the Legislative Assembly itself. Looking at all the circumstances that had transpired in the province of Lower Canada, it was impossible not to perceive that, beginning with real grievances, the people had been encouraged by the feebleness of the Government to think of a separation from the mother country, which, had their complaints in the first instance been fairly met, they would never have dreamed of. At that hour of the night he would not longer detain their Lordships, but in a subsequent stage of the bill he should be anxious to express his opinions more fully.

Bill read a second time.

Lord *Brougham* moved, that Mr. Roebuck be called in and heard, prior to the House resolving itself into Committee on Monday.

Motion agreed to.

HOUSE OF COMMONS,

Friday, February 2, 1838.

MINUTES.] Petitions presented. By Mr. WALLACE, from Greenock, for the repeal of the duty on Marine Insurances, and for the reduction of the rates of Postage.—By Mr. GRIMSDITCH, from Durham, against the introduction of the Poor-laws into that district.—By Mr. ERLE, from Oxford, for the abolition of Negro Apprenticeship.—By Mr. REDINGTON, from Dundalk, for the abolition of the duty on Marine Insurances.—By Mr. HINDLEY, from Ashton-under-Line, against treating the Canadians with severity.—By Mr. MACKINNON, from St. Botolph's, Bishopsgate, in favour of the Patents Bill.—By Mr. DUCKWORTH, from Leicester, for the abolition of Negro Apprenticeship.—By Mr. V. SMITH, from Northampton, for the establishment of Courts for the recovery of Small Debts.—By Mr. HUME, from the Crumnock (Ayr) Radical Association, against the Canada contest.—By Mr. LEADER, from a meeting at Edinburgh, to the same effect.—By Mr. BAINES, from Leeds, for the abolition of Negro Apprenticeship.—By Captain GORDON, from the advocates of Aberdeen, against the Sheriffs' Court (Scotland) Bill.—By Sir R. INGLIS, from the Dean and Chapter of Carlisle, against the suppression of the Bishopric of Sodor and Man.—By Viscount SANDON, from Liverpool, and by Lord C. FITZROY, from Bury St. Edmonds, for the abolition of Negro Apprenticeship.

THE CAROLINE. THE UNITED STATES.] Sir *R. Inglis*, seeing in their places the noble Lords, the Secretaries for the Home and Foreign Departments, wished to ask them questions on two points which he knew excited very great interest at the present moment, both in the House and the country. He had, however, he begged to add, every reason to hope, that the answers he should receive would, in the fullest sense of the word, be satisfactory. The first question was relative to the American steamer Caroline. As he could not be content—indeed, as he would not condescend to qualify the transaction in the style it had been treated in the American papers, he would simply say, that his first question was relative to the steamer Caroline. The second question was, would the noble Lord, the Secretary of State for Foreign Affairs, object to state to the House the relation in which Mr. Fox, her Majesty's Minister in America, was now placed in respect to the United States government?

Lord *Palmerston* was happy in being able to answer the second question proposed by the hon. Baronet. With regard to the first, he understood no official account as to the affair of the Caroline had yet reached the Colonial-office, which, therefore, knew of it only through the doubtless much exaggerated statements contained in the American papers. With regard to the relation in which Mr. Fox stood at the present moment with the government of the United States, he was able to afford the House the fullest information, inasmuch as that very day he had received from that Gentleman a despatch, dated the 5th of January. Mr. Fox, on the 2nd of last month, received from Sir Francis Head a communication stating what had taken place with regard to Navy Island, and representing in strong terms the fact of that place being held possession of by a body of rebels armed and equipped in the United States, of its being flocked to by armed parties of citizens of the United States, and of their being actually commanded by an individual who was a citizen of the United States. Mr. Fox immediately communicated these facts to the President of the United States, and received in reply a most friendly communication. In the first instance, he had a verbal communication from Mr. Forsyth, containing an expression of sentiments such as might be expected from the friendly spirit of the United States government, and the high sense of honour by which that country has been actuated in its feelings with foreign countries. On the 5th instant Mr. Fox received a note from Mr. Forsyth, in which was a passage to this effect:—"That all the constitutional powers vested in the executive would be exercised to maintain the supremacy of those laws which had been passed to fulfil the obligations of the United States towards all nations which should happen unfortunately to be engaged in foreign or domestic warfare." In addition to this assurance, that all the powers now vested in the central government should be used to preserve neutrality, the President, on the 5th, sent down a special message to Congress, stating, that, though the laws as they stood, were quite sufficient to punish an infraction of the neutrality, they were not sufficient to prevent it; and asking the Congress to give the executive farther powers for that purpose. Upon the receipt of this communication, a short discussion, in which many of the leading men, such as Mr. Clay, Mr. Calhoun, and others of high character participated, took place in Congress; and, without exception, all who spoke expressed sentiments of a most friendly disposition towards that country, stating a strong opinion that the laws should be enforced, and that if, as they stood, they were insufficient, stronger powers should be given to the executive. Nothing, in short, could be more satisfactory than the communications which had taken place between her Majesty's Government and that of the United States; and he, therefore, thought the House might confidently trust, although, on both sides, there might have been committed by individuals some acts not consistent with the laws, and somewhat in violation of the friendly spirit which actuated the two countries, none of those acts were, in the least degree, calculated to interrupt the harmony which prevailed between the two countries, or, in the slightest degree, to influence their existing relations.

Lord *John Russell* said, that, as the hon. Baronet opposite had asked him a question with respect to the steam-vessel Caroline, reported to have been burned in Canada, he felt called upon to rise. In answer to that question, he begged to say, that her Majesty's Government had received no official communication with regard to that transaction, and it was, therefore, impossible for the Government, until a dispatch was received, to state the character of it. The latest dispatch from Sir Francis Head was dated the 28th December. There were other accounts from Sir John Colborne of the date of the 2nd January, in which it was stated, that it had been arranged between him and Sir F. Head that all future operations against Navy Island were to be carried on under his direction, and that he was taking steps with that view with all possible dispatch.

SHERIFFS' COURTS (SCOTLAND).] On the motion of the Lord Advocate, the House resolved itself into Committee on the Sheriffs' Court (Scotland) Bill.

The first clause having been put,

Mr. *Wallace* said, that he approved of the Bill generally; and thought that the country was deeply indebted to the learned Lord who had brought it forward; but there were some of its provisions to which he could not consent. In the first place, by an act, which he held in his hand, it was provided that sheriffs-depute should reside in their counties for the period of at least four months in each year; but by the present Bill it was provided that that act should be repealed, and that the sheriffs, instead of residing for four months, should hold eight courts within their respective counties in every year. It was also provided in the present Bill that the sheriffs should personally attend to their duties, but those duties were not defined, and it was left to the sheriffs to say what their duties were. He considered eight courts a-year too few, and he thought the duties of the sheriffs-depute ought to be defined, and the whole duty not left, as heretofore, to the sheriffs-substitute. He further objected that the sheriffs-depute never sat to hear appeals within their own counties, but in Edinburgh, and he thought such a system ought to be amended.

Mr. *Cutlar Fergusson* said, that by the present law of Scotland, the sheriffs-depute were compelled to reside four months in every year within their respective counties, and the Lord-Advocate proposed to repeal the clause of the act containing that important provision. He (Mr. C. Fergusson) could not agree in the propriety of repealing the existing law, and he trusted that the learned Lord would reconsider the Bill with a view of leaving out the first clause altogether. It had been said that the sheriffs-depute ought to be persons frequenting the courts of law, but he could see no necessity for such an arrangement. The first clause of the Bill was the one he objected to, as he wished to see the sheriffs-depute residing more in their respective counties, and the whole business not left to the substitutes. The Bill, as a whole, would be of the greatest advantage to Scotland.

The *Lord-Advocate* said, that there were sheriffs-substitute constantly resident in each county of Scotland, so that the business of the counties was promptly attended to. The sheriffs-depute and sheriffs-substitute had power to decide in civil and criminal cases, with certain reservations, and it was his object, by the present Bill, to extend their power. It had been said that the sheriffs-depute ought to reside for a longer period in their respective counties, but he could inform the House that, with one exception, those sheriffs who resided constantly in their counties were not those who gave the greatest satisfaction. The present Bill enforced the holding of at least eight courts in each year, and it was further proposed that each sheriff should report to the Secretary of State the number of courts held, so that there would be a sufficient check on the conduct of the sheriffs. The general opinion of the lawyers of Scotland was, that the sheriffs ought not to reside constantly in their counties, as by such a residence they lost their habits of business, and acquaintance with the laws.

The *Attorney-General* had no hesitation in saying, that the time the sheriffs resided within their respective counties was of little importance, provided they were compelled efficiently to perform their duties. There was no necessity for constant residence, and it was highly important that the sheriffs should be familiar with the practice and decisions of the higher courts in Edinburgh. He thought the first clause as well as the others would introduce great improvement in the law of Scotland.

Sir *G. Sinclair* expressed his concurrence in the clause as it stood in the Bill.

Mr. *Gillon* thought it quite useless to retain two officers when one was sufficient for the discharge of the duties. In his county the opinion of the sheriff-substitute was held to be as good as that of the sheriff himself, and therefore the retention of a second officer was wholly unnecessary. He had no objection to the clause under consideration. With respect to residence, he could state that the sheriff of Lanark, one of the most important counties in Scotland, was resident within the county, and he (Mr. Gillon) did not see how the arguments of the Lord-Advocate and the Attorney-General in reference to the necessity of attendance in the Parliament-house could hold good.

Mr. *Hume* looked upon this clause as intended to keep up a system of sinecures, and he maintained that the charge brought forward by his hon. Friend, the Member for Greenock, and which he (Mr. Hume) had himself made fourteen years ago, remained wholly unanswered.

The *Lord Advocate* said, that he had no difficulty in answering the case put with regard to the exception of the sheriff of the county of Lanark. The principal city of that county (Glasgow) was second only to the metropolis of Scotland, and from its commercial character necessarily law proceedings arose, and the consequence was, that the sheriff was in constant employment, and his judgment and his law were kept up by the number of causes brought before him. That was not the case with other counties in Scotland, and therefore the same exception could not be applied. He (the Lord Advocate) wholly denied that the office of sheriff was a sinecure. On the contrary, after thirty years' experience, he could state that the duties of the office were extremely severe, and a litigant, for a trifling fee could obtain the judgment of the sheriff at any time.

Mr. *Hume* reiterated his former statement, that the offices of sheriff were sinecures; for a cause was tried at Perth, and the sheriff resident in Edinburgh. The office of sheriff-depute should be abolished, and that it should be compulsory upon the sheriff to reside in his county, or that the sheriff's office should be lopped off, and the sheriff-depute retained, with the salary of both, or more, if necessary.

Mr. *Pringle* concurred with the right hon. and learned Lord Advocate. The office of sheriff in Scotland was no sinecure, the salaries were extremely moderate, and such as would not secure the services of an efficient officer to be resident in any county. It was most desirable that those officers should have the opportunity of an attendance in the superior courts, and in that view he was supported by the judges in Scotland and other eminent law authorities.

Mr. *Wallace* had been informed that the sheriffs were, of all other legal men, the least seen in the Parliament-House. He was so told; but of this he was certain, that if the salaries were 800*l.* instead of as now 400*l.*, every sheriff would do his own duty, and reside in his county. At present the whole system was most vicious.

Clause agreed to.

Upon Clause 15 being proposed,

Mr. Pringle moved, that it be expunged.

The Committee divided on the original question:—Ayes 56; Noes 24: Majority 32.

List of the AYES.

Attwood, T.
Bernal, R.
Bodkin, J. J.
Bowes, J.
Brotherton, J.
Brownrigg, S.
Buller, C.
Butler, hon. Colonel
Chalmers, P.
Clay, W.
Craig, W. G.
Dennistoun, J.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, Viscount
Erle, W.
Ferguson, Sir R. A.
Fergusson, rt. hn. R. C.
French, F.
Gibson, J.
Gordon, R.
Hall, B.
Hastie, A.
Heathcoat, J.
Horsman, E.
Howard, P. H.
Hume, J.
Humphery, J.
Jervis, S.
Kinnaird, hon. A. F.
Lambton, H.
Lister, E. C.
Mackinnon, W. A.
Macleod, R.
Molesworth, Sir W.
Morpeth, Viscount
O'Brien, W. S.
O'Conor, Don.
Parnell, rt. hon. Sir H.
Parrott, J.
Poulter, J. S.
Rice, right hon. T. S.
Rolfe, Sir R. M.
Salwey, Colonel
Stanley, E. J.
Style, Sir C.
Thomson, rt. hn. C. P.
Thornley, T.

Tracy, H. H.
Vigors, N. A.
Wakley, T.
Wallace, R.
White, A.
Willshere, W.
Woulfe, Serjeant
Young, G. F.

TELLERS.
The Lord Advocate
O'Ferrall, R. M.

List of the Noes.

Alsager, Captain
Arbuthnot, hon. H.
Attwood, M.
Bateman, J.
Blair, J.
Blennerhassett, A.
Broadley, H.
Chisholm, A. W.
Darby, G.
Eaton, R. J.
Gordon, hon. Captain
Grimsditch, T.
Houstoun, G.
Hughes, W. B.
Inglis, Sir R. H.
Lockhart, A. M.
Mackenzie, T.
Plumptre, J. P.
Pringle, A.
Richards, R.
Shaw, right hon. F.
Thompson, Alderman
Vere, Sir C. B.
Young, J.

TELLERS.
Forbes, W.
Mackenzie, W. F.

On an amendment to Clause 17 being proposed, to the effect that it shall be lawful for her Majesty's Secretary of State for the Home Department, from time to time, to name Commissioners to whom remits may be made, to take such proofs in such counties, when required by the sheriffs.

Mr. *Forbes* objected that the power was more appropriately vested in the sheriffs, who were more competent to exercise it from the possession of local knowledge.

The Committee divided on the question, that the words be inserted:—Ayes 51; Noes 20: Majority 31.

List of the Ayes.

Adam, Sir C.
Bernal, R.
Briscoe, J. I.
Brotherton, J.
Brownrigg, S.
Butler, hon. Colonel
Callaghan, D.
Chalmers, P.
Craig, W. G.
Dennistoun, J.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, Viscount
Erle, W.
Ferguson, Sir R. A.
Fergusson, rt. hn. R. C.
French, F.
Gibson, J.
Gordon, R.
Hall, B.
Heathcote, J.
Horsman, E.
Howard, P. H.
Hume, J.
Humphery, J.
Jervis, S.
Kinnaird, hon. A. F.
Lambton, H.
Lister, E. C.
Mackinnon, W. A.
Macleod, R.
Morpeth, Viscount
O'Brien, W. S.
O'Conor, Don
Parnell, rt. hon. Sir H.
Poulter, J. H.
Redington, T. N.
Rolfe, Sir R. M.
Salwey, Colonel
Stanley, E. J.
Style, Sir C.
Thomson, rt. hn. C. P.
Thornley, T.
Vigors, N. A.
Wakley, T.
Wallace, R.
White, A.
Wilshere, W.
Wood, Sir M.
Woulfe, Serjeant
Yates, J. A.

TELLERS.
The Lord Advocate
O'Ferrall, M.

List of the Noes.

Alsager, Captain
Arbuthnot, hon. H.
Attwood, M.
Bateman, J.
Blair, J.
Blennerhassett, A.
Broadley, H.
Chisholm, A. W.
Darby, G.
Eaton, R. J.
Gordon, hon. Captain
Grimsditch, T.
Houstoun, G.
Hughes, W. B.
Mackenzie, T.
Mackenzie, W. F.
Pringle, A.
Richards, R.
Vere, Sir C. B.
Young, J.

TELLERS.
Forbes, W.
Lockhart, A. M.

The remaining clauses of the Bill agreed to, and the House resumed.

Bill reported.

Pluralities.] Lord J. Russell moved the Order of the Day for the second reading of the Benefices Plurality Bill.

Sir *R. Inglis* would not then enter into the details of the measure, but lest an unfavorable impression might exist out of that House that the evil of non-residence was still to be charged against the church, he believed that no Member of the Legislature, whether hostile or friendly to the establishment, could for a single moment dispute the fact, that at present there were more resident clergy than had been for the last twenty years; a benefit exclusively effected by the energies of the church herself.

Lord *John Russell* stated, that on another occasion he should have to introduce a Bill for the regulation of deans and chapters of cathedrals, by which he hoped to effect a saving of 120,000*l.* a-year, to be applied to make better provision for spiritual instruction in populous places. That Bill would be introduced for the purpose of carrying into effect, with modifications, the fourth report of the church commissioners. The suggestions of the commissioners contained in the report would be adopted generally as the foundation of the Bill; but there would be certain modifications of some of them proposed by him on the responsibility of her Majesty's Government, in which he hoped to have the hon. Baronet's support. One of these modifications he might mention to the House. He meant to propose, that in no case the income of a dean should exceed 2,000*l.* a-year or the income of a canon 1,000*l.* By the residue he hoped to be able to provide for the remuneration of clergymen in various small livings.

Sir *R. Inglis* said, that the anticipations of the noble Lord were rather too sanguinary; because he thought that the last Bill alluded to was most vicious in principle and injurious in tendency. He had no doubt that such a measure, from the strong opposition it was likely to receive throughout the country, could only pass that House, if so much could be effected. It should be borne in mind, that although the church had received many pecuniary and other favours from the ancestors of hon. Members, that House had not contributed anything to her support.

Mr. *Hume* said, that the church had gained one million by Queen Anne's Bounty, and a million and a half by grants from that House, for building churches.

Mr. *Hawes* had strong objections to the principle of the measure, as pluralities were still to continue, and as he thought that no individual should hold two livings. Neither did the Bill make any provision for those ecclesiastic districts that by its own clauses were to be made parishes.

Bill read a second time.

MUNICIPAL CORPORATIONS (IRELAND).] Lord J. Russell moved the Order of the Day for the second reading of the above Bill.

Sir *Robert Inglis:* On former occasions when this question was in its corresponding stage before the House, I resisted it by a negative; but having never detained the House either by a statement of my objections, or by a division, I am anxious, with their permission, to take this opportunity of expressing briefly the general grounds of my opposition to the principle of the measure.

In the analogous case of the municipal corporations of England, we resisted the principle of the measure in that stage of the Bill, which, conventionally, in the practice of this House, is deemed the fittest stage, namely, the second reading. I see no sufficient reason for not resisting the present Bill at its present stage, namely, its second reading. The two grounds upon which I think any man can come to a contrary conclusion in this instance are—1, That the Act of Parliament which annihilated and re-created the corporations of England has established a precedent for treating every thing in the name of corporation with equal disregard, and has virtually destroyed the corporations of Ireland when it destroyed those of England; and 2, That if it were not so, the case of the Irish corporations is so bad that no one can uphold them; and that it is better to say at once, they are all bad together: let us get rid of them, and consider afterwards what to build on their ruins.

On the first point I say at once, that I will not be withheld from voting against the destruction of the Irish corporations, because others have previously destroyed the corporations of England. I will not be bound by that precedent; I was not a party to that proceeding; I think it bad in principle; and I will, therefore, consider the case of the Irish corporations exactly as if the fall of those in England had not taken place.

In the second place, I say, that there is no legal or Parliamentary evidence for the destruction of these boroughs in particular. If no man would condemn these boroughs except those who had read the evidence, not the tenth of the tenth of the House would probably be left to pass the sentence. Some, indeed, of the most important measures of later times, have in fact been decided before all the evidence upon the subjects in question had even been issued to us. It is true that now, at least, we have the materials before us; but who has read them; who has looked at them? If this bill were a bill in the nature of a private bill to alter the constitution of any one of these boroughs, say Cashel, for instance, there is hardly any one Member on either side of the House who would vote for or against it without knowing something of the case. He would say, it affects private interests; and I will not run the risk of injuring any man, without knowing more than I do know of the case. But what we will not do in the case of one borough, we do, without fear or shame, in the case of fifty. So much for our ignorance on the subject; but, for the sake of argument, I will admit, first, that we all knew the evidence; and, secondly, that the evidence all proved the guilt of the boroughs which we propose to disfranchise; that is to say, the existing municipal corporation of which we propose entirely to destroy and remodel. I ask any lawyer in or out of the House to say, whether the gravest allegation made against any of these boroughs of wilful alienation of the corporate estates could not be remedied by the existing law of the land, without destroying the character of that perpetual existence, the body corporate. The Court of Chancery is the remedy for one set of abuses; the Court of Queen's Bench is the remedy for the other. Has either been tried? Till both have been tried, and found wanting, I, for one, shall continue to hold, that the remedies provided by the constitution have been wilfully and systematically neglected.

Mr. *Shaw* said, if the noble Lord intended to name another day for the discussion of this measure, he should not impede the second reading of the Bill, but defer expressing his opinion till a future stage. If it was put off, he hoped it would be deferred till after the Committee on the Poor-law Bill, with which it was connected. The Poor-law Bill ought to have the precedence.

Lord *John Russell* intended to take the Poor-law Bill first, and to defer the discussion of this measure till afterwards, though he could not name a day for that Committee.

Bill read a second time.

CONTROVERTED ELECTIONS.] Mr. *Hume* moved the Order of the Day for the further consideration of the Report of the Controverted Election Fees' Committee. He observed that the report contained the unanimous resolution of the Committee, though at first there had been great difference of opinion in the Committee. The object had been to ascertain what fees appertained to public duties and what to private services, and the Committee had come to the conclusion that all fees charged by individuals in that House were of a public nature, and to recommend the House to abolish such fees, and to place the persons receiving them in the same situation as other public officers. These fees were in some cases of large amount; the average of the whole was about one-seventh or one-eighth of the entire expense of a controverted election. Instead of a resolution at the end of the report, he had had the assistance of the officers of the House in drawing up another, and he moved that "all fees in proceedings before the House with reference to controverted elections, according to the scale of fees in 1831 and 1803, be abolished." There was another charge which was embraced by his next resolution; if either of the Members required copies of the evidence for his own use he was obliged to pay for it to the House at the same rate which the shorthand writer charged, namely, 1*s*. per folio. He moved "that the charge for copies of evidence and documents furnished, when requested, to either of the parties, be reduced from 1*s*. to 4*d*. per folio of seventy-two words.

Resolutions agreed to.

SHIPS MORTGAGES BILL.] Mr. *Young* moved the second reading of the Ships' Mortgages Bill. He was surprised at the opposition which he understood the Bill was to meet with at the eleventh hour from the hon. Member for Sunderland and others. If he had not supposed that the Bill would have met with general satisfaction, he would not have pressed it. The intention was to remedy in a degree great and acknowledged evils. The enactments of the Bill met with two classes of objectors of a different character: one thought it went too far, and fettered the owners of ships in the hypothecation of their property; the other class thought it did not go far enough, and that it ought to prevent the owner of a ship from mortgaging the ship at all. This was a proof that he had steered between two extremes. When Mr. Huskisson introduced his measure it was considered a boon to the shipowner that he was permitted to mortgage his ship. It was said that the Bill was intended to operate for the benefit of the shipping traders; but he had brought it forward as a shipowner, and the shipowners admitted that it was for their benefit. Several instances had occurred of ships which had been fitted out under advances on mortgage, and the mortgagee had disposed of the property, sometimes in collusion with the mortgagor, to the prejudice of the creditor. In 1836 a committee of shipowners disapproved of the Registry Act as leading to fraud, and in 1837 the same Committee stated in their report that he (Mr. G. F. Young) had obtained leave to introduce a bill for the purpose of modifying the Registry Act, and thus checking the system of fraud which existed. It was not, therefore, a shipowner's question; for those parties felt that the mortgagees in too many cases acted improperly, and were anxious to check the evil which prevailed. The present system was in fact injurious to the interests of the shipowners; for in foreign countries an opinion prevailed, that the shipowners of this country were not to be trusted, and when captains of vessels offered bills for provisions and ships stores they were refused; and the foreign merchants providing the stores, instead of accepting those bills, would take nothing but a bottomry bond. That was the effect of the present system of mortgages, and it must be obvious that such results must create the greatest inconvenience. He thought, therefore, that the opposition he was now to encounter was unfair. He had no personal motives in bringing forward the Bill, and he would not have introduced it if he had not been led to believe by the shipowners that such a measure would prove beneficial to them. He still thought that the Bill would prove advantageous to shipowners, and that those who now opposed him took an erroneous view of the measure. One objection which had been raised to the Bill was the unpleasant publicity to which the shipowner would be subjected in effecting a mortgage. Under the present system, however, it was well known that the mortgage was not valid unless it was recorded at the custom-house, and that too with the greatest publicity, and all tradesmen, and every person interested, might go to the custom-house and examine the record. There was, therefore, complete publicity under the present system. What, then, was the provision of the present Bill? It was proposed that previous to effecting a mortgage, thirty days' notice should be given, and all persons having claims upon the vessel were to lodge those claims with the registrar, and when so lodged, the parties were to have a preferable lien. The effect of this would be to prevent all those fraudulent proceedings which had been so much complained of, and which had proved so injurious to tradesmen. He could not imagine how any objection should be offered to such a plan. Acts of mortgage did not require to be executed rapidly, and it was quite clear that under the old system justice was defeated. Nor was there any thing novel in the course of proceeding he proposed; for under the old maritime law those who supplied the ship had a preferable lien. He might mention that he had received from all parts of the country attestations favourable to the Bill, and he had not received one opinion condemnatory of the measure. Some persons had expressed a wish that its provisions should be extended to Ireland; but he had thought in making use of the expression "united kingdom," he had thereby included Ireland. The same wish had been expressed in regard to Scotland, which he also thought he had included by the expression he had used. If, however, he found himself in error in this particular, he should take an opportunity afterwards to extend the provisions of the Bill both to Ireland and Scotland. He thought he had now said enough to convince the House he had not introduced the Bill from an obstinate adherence to his own opinion; and he could assure them that he had brought forward the measure under the belief that it would be for the advantage of those on whose support he calculated, but who were now, some of them, hostile to the plan he had proposed for terminating the system of fraud which, it had been allowed, existed. He hoped he had been able sufficiently to explain his views and to make the measure understood. He had avoided all technical details, and he would now leave the Bill to be disposed of as the House might see fit, and bow to the better judgment of those whom he knew were prepared to state their opinion on the subject.

The question that the Bill be now read a second time having been put from the chair,

Alderman *Thompson* said, he did not think there was any good ground for the hon. Member complaining of the Bill being opposed at the eleventh hour. When the hon. Member brought forward the Bill last year, he had expressed to the hon. Member that he entertained strong doubts as to its operation, and when it was introduced this year he had stated distinctly that he would not pledge himself to support it. It was hardly necessary for him to point out the importance of the Registry Act which this Bill proposed to modify. It would be recollected that the Shipping Registration Bill had been under the consideration of a Committee of that House for many years, and it came before them so strongly recommended by that Committee that it passed through the House without any opposition. The particular clause enabling shipowners to raise money by mortgage had been strongly recommended by the Committee, and Lord Tenterden had also expressed a strong opinion in its favour. That clause proposed that mortgages should be registered at the port from which the vessel sailed, and at the Custom-house in London, and the books in which those registries were entered were to be open to the inspection of all parties concerned. What was the alteration now proposed? Instead of a shipowner remaining in a position to raise a little money when wanted he was to be obliged to give thirty days' notice of any intended mortgage, and if that mortgage were effected at a distance from the metropolis the officer receiving the notice was to transmit a copy to London, and if any tradesman gave notice of any claim for supplies to the vessel, that tradesman was to have a preferable lien. Now, he would ask, was there any thing in shipping property that rendered such a process necessary? There was no other property subject to the same process, and if the hon. Member would go through the mortgages effected on other kinds of property he would no doubt find cases of fraud equally gross as those he had cited. There was, perhaps, as little of shipping as of any other kind of property mortgaged, and why should shipowners be placed in a worse position than persons raising money on any other description of property? If he understood the Bill, its effect was to make an exception of this kind of property, which he conceived was neither fair nor just to the shipowners. He contended that this Bill was wholly absurd, for while it prevented a shipowner from mortgaging his vessel, it contained no provision to hinder him from selling it, and thus defrauding those whom it was sought by the measure to protect. For these reasons he felt it to be his duty to move as an amendment that this Bill be read a second time this day six months.

Mr. *A. Chapman* supported the Bill, which went to establish a system of registration of liabilities similar to that which existed with reference to other descriptions of property in the county of York. From that system of registration no inconvenience had either arisen or been complained of. The Bill would work no hardship, and was only a just protection to the fair, honest tradesman furnishing the tackle and furniture of a ship against the preference which a mortgagee now had. On the whole he supported the Bill, which he thought would work beneficially even for the shipping interests themselves.

The *Solicitor-General* gave the fullest credit for sincerity to the hon. Member who had introduced the Bill, and the hon. Member who had supported it; but he was opposed to the measure upon general principles. The hon. Member for Whitby had assimilated the provisions of this Bill to the registration in the county of York, but that very system already prevailed in respect to shipping, which, as regarded other property, only had existence in the county of which the hon. Member had spoken. In fact, there existed now a registry of shipping, and if a mortgage was about to be effected, information of previous liabilities could be ascertained. But what did this Bill propose? Why, that any individual who chose to call himself the creditor of a shipowner, might impose on that shipowner the difficulty of being unable to raise money upon that description of property. In fact, the bill gave to a man on his own *ipse dixit*, all the benefit and advantage of a mortgage, without affording any of those precautionary protections which a mortgage gave to the mortgager. No questions presented more difficulty to the courts of equity and law than did those arising from and affecting the shipping interests; and though it had been said, that this Bill would remove those difficulties, and was therefore satisfactory to the shipping interests, he could say it would be equally satisfactory to his profession, inasmuch as, instead of preventing it would lead to endless litigation. He agreed with the hon. Member for Sunderland in thinking that this Bill, if good at all, did not go half far enough, for though it prevented a shipowner from mortgaging, it did not preclude him from selling his ship. Looking at the measure in a general point of view, he could not see that any case had been made out for passing it into a law.

Sir *J. R. Reid* said, that as a shipowner, he never was more pleased in his life than he was with the speech of the hon. and learned Gentleman who had just sat down, and who, in his opinion, had upon this question hit the right nail on the head. He had looked at the petition presented by his hon. Friend, the Member for Tynemouth, in favour of the measure, but he could not find that one single shipowner had signed it; and after consulting a large number of the body, he could state with truth, that with one or two exceptions, there was hardly a shipowner that was not positively opposed to the bill. He should give every opposition in his power to the measure, satisfied as he was, that it would work material injury to the commercial interests of the country.

Mr. *Jervis* dissented from the grounds of opposition to this Bill taken both by the hon. Member for Dover, and by his hon. and learned Friend, the Solicitor-General. He was one who thought that all descriptions of property should be debarred from mortgage unless notice was given to enable all persons to come in and say—" I object to this security, having myself an equitable claim upon the property." This bill had first introduced that principle, and he hailed it as a good measure. He hoped, however, the hon. Member for Tynemouth would allow it to go to a Committee up stairs; or, even approving of the principle of the Bill, he should be compelled to give a reluctant vote against the second reading. His hon. and learned Friend, the Solicitor General had said, that this was a bad bill, because his hon. Friend, the Member for Teignmouth, had taken a wrong tribunal to adjudicate on the rights which it affected. Let that be settled in a Committee up stairs. Matters of detail might be considered there. He was in favour of the principle of the measure, as he considered that it would give the honest creditor a protection against the fraudulent shipowner, which at present he did not possess.

Mr. *Clay* could not agree with the statement which had been made, that the grievances which his hon. Friend, the Member for Teignmouth, sought to remedy were of a trifling kind, but he might be permitted to doubt whether the remedy for those grievances was within the reach of legislation, or at least within the reach of that particular remedy which his hon. Friend proposed to apply to them. His hon. Friend called on the House to affirm a great principle, affecting great interests, and a large amount of property, for the protection of a class, which, although respectable, his hon. Friend must allow, was not very considerable in point of numbers. His hon. Friend proposed to put simple contract creditors on a footing with mortgage creditors. He thought this unfair, as a mortgage proceeded on an agreement between the parties, and it did not seem equitable to him to place a simple contract debt on the same ground. It was quite clear that the measure which had been introduced by his hon. Friend was not viewed with approbation by those who represented the interests f the shipowners in that House, and under these circumstances he recommended him to withdraw his Bill. His hon. Friend would then have an opportunity of re-conconsidering its provisions, and he might possibly be able to frame a measure which might be less objectionable to the respectable class whose interests were affected by it.

Mr. *Ingham* said, that the shipowners of the north entirely coincided with him in the objections which he entertained to this bill, and he felt a strong objection, both to the principle which it established, and also to the selection of the shipowners for the first exemplification of that principle. The hon. and learned Member for Chester seemed to think that when a man had incurred a simple contract debt, he ought never to make a title to any property which he wished to alienate without first satisfying that debt. Let the hon. and learned Member bring forward that general proposition and discuss it, and he (Mr. Ingham) should be ready to meet it. But in what a position did his hon. Friend wish to place the ship chandler? He wished to give them the benefit of a mortgage without the expense. What, however, was the dock owner's situation now? He might if he pleased, if not paid for the repairs, detain the ship itself. The effect of his hon. Friend's bill would be, to give the ship repairer greater facilities for recovering his debt than any other person possessed. It might be made the means of an unjust creditor levying an exorbitant demand on the shipowner. Suppose a merchant had put an East Indiaman into dock, and had contracted with the dock owner for her repair for a sum of 500*l.*, and having repaired her, wished to effect a mortgage on the ship for 5,000*l.* to pay for the cargo with which he intended to load her. Well, suppose the dock owner sent in a bill for repairs amounting to 700*l.* on the ground of some inconsiderable alterations having been made. The dock owner, under the provisions of his hon. Friend's bill, might interpose his claim, and prevent the raising of the 5,000*l.* to pay for the cargo, until his demand was satisfied, and the shipowner, rather than submit to the delay, would consent to pay an unjust claim of 200*l.*

On these grounds and on others connected with matters of detail, into which he would not then enter, he should support the opposition which had been offered to the bill.

Sir *J. Duke*, as an extensive shipowner, must say that he was opposed to this measure, and he could show that the shipowners of Scotland and of Newcastle and Sunderland participated in his feelings with respect to it; but he was quite sure from the temper of the House, that it would not be necessary to enter into the evidence. He had been engaged in the shipping trade for twenty years, and he never knew but one instance of a fraudulent mortgage by a shipowner.

Mr. *P. Thomson* would recommend his hon. Friend, after what had passed, to withdraw his bill. In his opinion his hon. Friend did perfectly right in bringing in the measure; but it was incumbent on him to show, either that it would benefit the shipowners themselves, or that society generally was so much injured by the existing law that an alteration was absolutely necessary. From what had passed it was quite clear that no such case had been made out. He therefore recommended his hon. Friend to withdraw his measure till some degree of unanimity prevailed on the subject.

Mr. *G. F. Young*, in reply, said that he had been urged by the shipowners themselves to introduce his bill, but when he found their representatives, instructed by their constituents, opposing it, he felt that it would be useless to press the measure. He repudiated the idea of his being actuated by any other desire than that of benefitting that commercial interest with which he was intimately connected, and which he had exerted himself in promoting for many years.

Bill withdrawn.

CONACRE TENANTS' (IRELAND) BILL.] Mr. *Lucas*, in moving the second reading of this bill, observed, that his object in introducing it had been to improve the condition of the peasant tenantry of Ireland, with reference to a subject in which their individual interests were, almost without an exception, involved. By a report of the Poor Law Commissioners for Ireland it appeared that Conacre was found to be general in every barony which had been visited by the Assistant-Commissioners, with the single exception of a barony in the county Mayo; and the number of Conacre tenants in the province of Leinster had increased considerably within the last two years. Conacre was a species of sub-letting which regarded the poorer classes merely, and consisted in the fact of the farmer letting a small portion of land to the labourer, and furnishing the manure for the soil, while the labourer supplied the seed and tillage. In periods of famine it was frequently found that the Conacre tenant was unable to pay the rent, and subject to great distress by the uncertain state of the law. The crop, he should observe, consisted almost uniformly of potatoes. He (Mr. Lucas) sought to introduce the principle that the labourer should not be compelled to keep the land, but that the farmer should take it off his hands in the case of his inability to pay the rent, provided that there was no express agreement to the contrary, and upon reasonable notice having been given beforehand. The second clause of the Bill sought to provide a remedy for the following grievance:—In addition to the security afforded to the farmer by the promissory note which was given him in the first instance for the rent by the Conacre tenant, it was usual to claim the additional security of a legal lien on the property. He proposed to modify the law by introducing the provision, that if the landlord should have consented to accept the security of a promissory note, such acceptance should deprive him of the right to claim any other security. This arrangement would of course be without prejudice to any specific agreement. Without the introduction of such a provision the tenant would be compelled either to starve or purchase other potatoes, the only food within his reach, at a high rate of credit. He proposed that the bill should be read a second time this night, and that its committal should be postponed to a distant day, in order that the assizes, having in the mean time taken place, every Irish Member might have an opportunity of expressing his opinion upon the question.

Bill read a second time.

HOUSE OF LORDS,

Monday, February 5, 1838.

MINUTES.] Petitions presented. By Lord DENMAN, from Coventry, for a system of National Education.

AFFAIRS OF CANADA.] Lord Brougham

moved the Order of the Day for hearing Mr. Roebuck at the bar of the House.

Mr. *Roebuck* came to the bar, and said: I appear at your bar, my Lords, as agent of the House of Assembly of Lower Canada, for the purpose of laying before you statements, and arguments thereon, which, in my belief, prove the impolicy and the injustice of a bill now pending in your Lordships' House, entitled, very falsely, in my opinion, "An Act for the better government of Lower Canada." This act is intended as a punishment; it not only attempts to provide for the future better government of Canada, but while it does so punishes my clients for supposed misdeeds. The necessity for this extraordinary measure is supposed to arise out of the conduct of the people of Lower Canada and their representatives. The difficulties which have existed in the government of Canada are asserted to have their origin in the desires of the House of Assembly, which house has been supported by the unanimous voice of their constituents. Their desires are presumed to be mischievous; and, therefore, rather than yield to them, it is proposed to deprive the people of a representative government — to reduce the hitherto self-governed inhabitants of our American province to the abject condition of an Hindoo serf. It proposes to take from them the right which every other people on that continent possesses, and, in place of their rights, to send them a dictator, to govern according to his arbitrary discretion. My duty, my Lords, upon this extraordinary and momentous proposal is two-fold. I have first to prove the injustice, next to point out the impolicy of this measure. I shall prove that it is unjust by disproving the assertion, that the House of Assembly has been guilty of the misdeeds laid to their charge. I shall prove that their conduct, so far from deserving any reprobation, has been just, firm, and prudent; that their demands are those which a wise and honest body of representatives ought strenuously to have insisted on, and that the measures which they have adopted to attain their ends have been such as the constitution sanctions—such as great prudence, forbearance, and an earnest desire for the well-being of their country demanded. Furthermore, I shall show, that the really guilty parties, they who have unwisely and wickedly checked the operations of government, and put a stop to all improvement in this magnificent province, are they who are instigating your Lordships to break in upon the established principles of representative government, by this violent, high-handed, and arbitrary proceeding. It will be my painful duty to show your Lordships, that if on any side there has been folly, haste, violence, procrastination, vacillation, ignorance, petulance, and unconstitutional proceedings, they have been manifested, not in the conduct of the Assembly, but in that of those who have resisted their just demands; and that among those who have chiefly evinced all these evil qualities, the colonial administrations, past and present, are eminently conspicuous. I shall not, my Lords, attempt to justify revolt; but I shall justify the Assembly, by showing that the unhappy insurrection in Lower Canada, which has been suppressed with a cruelty shameful to our national character, lies not at their door, but was the legitimate offspring of the folly, and the ignorance, and the injustice which seem to be the necessary adjuncts and appendages of our colonial administration. If I shall succeed in these attempts, my case as to the injustice of this measure will be fully made out, and it will be plain to your Lordships that the real culprits nearer at hand are about to escape, while the innocent who are distant are to be treated as the guilty. I shall then attempt to make your Lordships aware of the great impolicy of this measure, by pointing out a means of allaying all discontent in Canada, and providing for the regular and peaceful administration of the government, means far more efficacious, more constitutional, and less revolting to the feelings of all men accustomed to representative government, than the proposed dangerous experiment. I will, with your Lordships' leave, submit to you a scheme which, while it will secure peace for the present, will also provide security for the future; and while I do all this, I shall endeavour to show that the proposed scheme is one of unmingled mischief, and that the noble Lord who is about to attempt to carry it into execution will find all his good intentions frustrated, all his hopes of peace dashed to the ground, by the suspension of the Canadian constitution; that the government of force which he is about to institute can never, while the colony is ours, be succeeded by a government of law; that, in short, we are blindly preparing for a violent disruption of the empire, and that we shall after this fatal measure is passed, hold Canada by the sword, and maintain our dominion only so long as an overwhelming military force overrides and represses the indignant desires of an injured and insulted people. Before I attempt a defence of the House of Assembly, however, I must accurately ascertain that of which they are accused; and this, in reality, constitutes the most difficult portion of my task. For, amidst the wild farrago that has been spoken and written, it is hard to tell what has been put forth as matter of serious charge. Much has been asserted with base motives, and for base purposes; prejudices degrading to our nature have been constantly, and I fear but too successfully, appealed to, in order to persuade the English people to sanction a tyranny that they would not for a moment tolerate were they in the perfect possession of their reason, undisturbed by passion. Falsehood, too, has been lavishly employed to the same unrighteous end. The wildest stories, the foulest calumnies, have been unhesitatingly used to blacken the character of the Assembly, and to induce the people of this country to look upon them as a factious set of unprincipled demagogues. This calumny has taken every shape—speech, book, pamphlet, essay, sermon, and poem; it has graced the harangues of Ministers, and been employed and echoed by their servile dependents; nevertheless, however great the authority, still it was calumny, and I must endeavour to find something more definite and precise than these vague and flagitious assertions. It would seem that the volumes of vituperation which have issued upon this subject may be reduced to three distinct assertions:—1. It is asserted that the House of Assembly has unwarrantably stopped the supplies, and thus put an end to all the operations of Government. 2. It is said, that the people, or rather a portion of them have risen in revolt at the instigation of the Assembly. 3. It is declared that the large French majority of Lower Canada have oppressed the very small English minority of the inhabitants; and these three charges or assertions are supposed a sufficient justification for the extraordinary proceeding which your Lordships are now called upon to sanction—namely, the utter subversion of their present constitution and a destruction of the most valued rights of the people. But, my Lords, I, on the other hand, assert, that each and every charge which I have just now stated is utterly false, and I shall at once proceed to prove that on the occasions on which the Assembly have stopped the supplies they were completely justified in so doing, and that they are not the parties who are chargeable with having checked and arrested the operations of Government, also that there is no evidence that the House of Assembly are in any way guilty of instigating the people to revolt. I will prove the outbreak to have been an outburst of mere passion, at the sight of gross injustice and tyranny, perpetrated under the eyes of the people, and I will then disprove the last recited charge or calumny—viz., that there has been any oppression of the English by the French inhabitants of Lower Canada. Your Lordships are doubtless aware, that the connexion between the mother country and her North American colonies has ever been attended with disputes and bickerings which not unfrequently broke out into violent and dangerous quarrels. The mother country, on the one hand, sought to obtain unlimited dominion over her distant possessions, while the colonies on the other, endeavoured to establish a self government as little dependent as possible on the metropolis. The people of New England, for example, set out with asserting that they were an independent people, subject to the Crown of England, and only voluntarily bound by charter to make no laws opposed to those of England. While these colonies were poor, and struggling for their very existence—while, in fact, they yielded no fertile field for official patronage, their high pretensions excited no displeasure, because the colonies themselves were matters of no consideration. When, however, the colonies became rich and extensive, then, indeed, the attention of England was awakened, and they were compelled by the superior force of the mother country to abate somewhat of their high tone, and submit to material and exceedingly painful restrictions upon their free will. The navigation laws were passed and trade restrictions imposed; and to these restraints the colonies submitted, with an ill grace, nevertheless, still asserting openly and fiercely their exclusive right to regulate their internal concerns. The exact line, however, was never drawn, defining what the mother country could not, what she could do, by way of supervision and control. The colonies did, in fact, regulate all their internal affairs, and in the case of all the New England states, which created and have ever guided the political creed of the new world, they actually elected and paid the greater part of their executive officers. The time at length came when England chose to have a share in the executive, and royal Governors were appointed. This no sooner happened than the quarrel commenced which is now actually raging in Canada. All the Executive were exceedingly averse to being responsible to the colonial Assemblies, and they were constantly persuading the metropolitan Government, that such responsibility was dangerous to the supremacy of England. To the colonial authorities of America, such responsibility was exceedingly obnoxious, because it had one very disagreeable consequence. When the people were displeased with the conduct of the Executive, they were accustomed to curtail their salaries. These salaries were at the outset completely under the control of the Assemblies, who decided on their amount, and who voted them annually. In the reign of Anne, however, the Governors were ordered to demand of the various Assemblies, fixed salaries for themselves, the judges, and certain executive officers. This demand was peremptorily refused by the Assemblies of some of the colonies, and to all gave great offence. The dispute went on from year to year, till at length it was brought to a close for a time in New England by the complete success of the Assemblies, who pertinaciously refused this demand of a permanent civil list. And if any of your Lordships have a curiosity to learn upon what grounds this demand was refused by our own purely English colonies, they will find them stated in an address passed by the Assembly of Massachusetts to the then Governor, Mr. Burnett, in the year 1728. The official party, however, did not approve of this settlement of the dispute; they still harped upon the old string, endeavouring to persuade the Ministers of the Crown to insist upon a permanent civil list. At length, their ingenuity suggested a means of making the affair which so deeply interested themselves, interest also the Ministry; they pointed out to the Ministry a new source of revenue, and speciously pretended that America, because she ought to pay for her own safety, and security, and good government, ought to submit to be taxed for these purposes by the Parliament of Great Britain. In an evil hour Mr. Grenville listened to these suggestions, and he brought forward his too famous Stamp Act, expressly to provide means for the security and good government of the colonies. The colonies resisted this attempt, and for the moment it was foregone; the Stamp Act was repealed; with a declaration, however, that Parliament had supreme authority in all cases. In America this was thought merely a salvo to soothe fallen pride, and was, therefore, disregarded. The Chancellor of the Exchequer, Mr. C. Townshend, quickly acted upon this declaration by laying a tax on various articles of trade imported into America, expressly for the purpose of paying fixed and certain salaries to the judges and governors. This measure also raised up violent opposition; so much so, that it was repealed with the exception of a tax of *3d.* a-pound on tea, the proceeds of which were also to be applied to the same purpose. In 1774 a cargo of tea was sent to Boston, was violently seized by the people, and thrown into the sea. This proceeding led to the famous Boston Port Bill, and also, by an ominous coincidence, to an Act for the better regulating the government of Massachusetts, and this Act produced the American revolution. I have thus hastily reminded your Lordships of these well known facts, in order that you may contrast the patient forbearance of the Assembly of Lower Canada, in circumstances precisely similar, with the heat and passion of the Assembly of Massachusetts. These last, when threatened with a permanent civil list, broke out into open and eventually successful rebellion, while the House of Assembly of Lower Canada, when threatened with the same calamity, demanded, before they submitted to the desires of the colonial Administration, that they should be relieved from an evil which America refused to bear—viz., a House of Legislature which was responsible to no one, and which had no interests in common with the people. The Act for the better government of Massachusetts transformed the Second Chamber from being one elected by the people to one nominated by the Crown. The threat of this change produced war and dismemberment of the empire. The patient people of Canada have borne the same evil for half a century; and at last, when everybody has condemned this Council—when Parliamentary Committees, Royal Commissioners, Parliament itself, have declared that change was necessary, the House of Assembly does what?—declares war? no; rebels? no; but modestly employs a constitutional power, and, under circumstances of great provocation, stops the supplies for two consecutive seasons; and then what happens? Why, Parliament, wholly regardless of past experience, contemning the solemn sanction of two most momentous Acts of Parliament, violates the constitution of the people of Canada, by determining to rob their Exchequer. Shortly after, a riot or revolt occurs in one particular district of Lower Canada, and you now, without further consideration, are called upon utterly to destroy the constitution of 1791. Is this, my Lords, a true history? Let me shortly run over the facts, and then say, if it be not true to the letter, and then ask yourselves what mankind will say in after times when they shall read the two histories which I have ventured to lay before you, and compare the different fortunes of the United States and of Lower Canada. Although the people of Canada received their constitution in 1791, and the whole of their revenues were nominally subjected to the control of the Assembly in 1794, still the expenses of the civil government were paid by England up to the year 1816. In the year 1774 Parliament passed an Act imposing certain duties upon goods imported into Canada from England and her colonies—exactly like those duties which in that very year caused a revolution in America. From the proceeds of those duties (Canada having patiently submitted to our taxation), and from certain revenues derived from territorial sources, the expenses of the civil government were provided for. When the Assembly inquired what the expenses were, the answer always was, "You need not trouble yourselves about the matter, as England pays everything." The Assembly being well aware that much money was paid by the Canadians in the shape of duties and territorial dues, humbly asked in 1816 to be allowed to pay their own expenses. Up to this time the old quarrel which I have described as going on in our English Colonies had lain dormant; because, in reality, there was no responsibility to the Assembly on the part of the official people of Canada. When, however, in 1816, the offer of the House of Assembly to pay its own expenses was accepted, then was the old demand of a permanent civil list revived by the colonial authorities, and refused by the colonial Assembly. In America, the Governors had themselves, on this refusal on the part of the Assemblies, arrested the business of Government by using the various powers they possessed. But in Canada this office was performed by the Legislative Council. This Council in the old colonies was elective, and did not therefore obstruct the desires of the people; but in Canada, being appointed by the Crown for life, and being moreover, the chief part of the Executive, they checked all the operations of the Legislature by opposing the Bills passed by the Assembly, which were of chief moment to the colony, and for the passing of which the people were most anxious. The consequence of these proceedings on the part of the Council, and certain arbitrary conduct on the part of the Government, was petitions from the people of Lower Canada to the Imperial Parliament in the year 1828. This year of 1828 is a remarkable epoch in the history of Canada, to which I must entreat your Lordships' most serious attention. The people in their petitions alleged various grievances, among which the most remarkable were the following:—First, An arbitrary taking and employment of their monies out of the provincial chest, and the payment of the public servants by the Governor, without the sanction of the Assembly. Second, A mischievous opposition on the part of the Legislative Council to all beneficial legislation. Third, And an improper dependence of the judges upon the Executive, inasmuch as they, the judges, were judges simply during the pleasure of the Crown. And they prayed, as a remedy for these grievances, that the Governor should be recalled, and the law steadily adhered to, which commanded, that no money is to be applied without their consent, and that all the revenues should be subjected to the immediate and complete control of the House of Assembly. Next, they prayed for a change in the composition of the Legislative Council, so that it might be made to harmonise with the general feelings of the great body of the people; and, lastly, that the judges should hold their offices during good behaviour, and be subject to impeachment before some competent tribunal. The whole of these allegations respecting their grievances were fully proved before the Committee of the House of Commons to which the Canadian petitions were referred, and the Committee deemed their various demands so reasonable as most explicitly to recommend the chief of them to the House, as fit remedies for their grievances, and they earnestly advised, that the Legislative Council should be changed, so that it might be more independent and be made to deserve the confidence of the people; they, without ambiguity, recommended that the whole of the revenues of the province should be subject to the control of the colonial legislature, and they condemned, in very pointed terms, the manner in which the colony had been governed. In consequence of this report from the Committee of the House of Commons, great expectations were created in the province, and these expectations, in certain cases, took a definite shape, because of the words of the Committee's Report. First, it was confidently hoped, that a very thorough change would be made in the Legislative Council, and, being so made, it was hoped that it would be an effective tribunal of impeachment, that the judges should hold their offices during good behaviour, and, under this hope, the Assembly determined to grant them permanent salaries; and, lastly, it was now confidently expected, that all the revenues, without reserve, would be submitted to the control of the Colonial Legislature. Your Lordships must bear in mind that the chief hope, that on which all the others rested, was, that a thorough and searching change was to be made in the Legislative Council. And I would beg of you here to remark the remarkable prudence and forbearance of the House of Assembly. They did not rush headlong after change, and for certain defined grievances demand wide and startling reforms. The proposed change was just enough, in their belief, to cover the acknowledged evil; all that they asked in this first instance was, that the composition of the Council should be changed, believing that the home authorities had sufficient knowledge of the country, and sufficient good will towards it, to know the right men to put into the Council, and knowing, to put them into that body. The event belied their expectations—changes were made in that body—all the judges except the chief justice were requested to abstain from using their privilege of legislative councillors, but no precaution was taken by law to prevent them going down to the Council at any critical period, and overwhelming any opposition. Next, additions were also made to the Assembly, but these at once proved one of two things—either that the Minister at home did not possess sufficiently accurate knowledge of the characters of the leading men in the country, or that, if he did, he was not willing to employ it so as to satisfy the people. The Council now did not, to use the language of the Committee of the House of Commons, deserve the confidence of the people. To show your Lordships, however, the anxiety felt by the Assembly to perform all that depended on them, to make the Government such as was required for the well-being of the people, and to prove to you, also, their confidence in the justice of the English Ministry, I must here mention one fact that is usually slurred over by the opponents of the Assembly. In spite of the old colonial dread of fixed salaries, the House did, in Feb. 1832, pass a Bill appointing permanent salaries for the judges: and they, at the same time, constituted the Legislative Council, a tribunal of impeachment. This was done in the confidence they felt that a real and effective change in that body was intended. I will here, with your Lordships' permission, read Lord Aylmer's dispatch respecting this measure, and his speech to the Legislature on the same subject. [The learned gentleman proceeded to read the dispatch.] It commenced by stating, that the writer, on the 15th of December, 1831, had the honour of communicating to his Lordship a message, sent down by him to the House of Assembly, calling upon them, in obedience to his Lordship's directions, to make a permanent provision for the salaries of the judges of Lower Canada. The message was referred to a Committee, who brought up a report on the 28th of December. That report was taken into consideration by a Committee of the whole House, and it was resolved by a majority of five, the numbers being thirty-four against twenty-nine, that the whole of the judges should be disqualified from having seats in the Legislative Council, no exception being made in favour of the chief justice. The exclusion of the chief justice would, under the instructions of his Lordship, render it impossible to sanction a Bill containing such provisions, but when it was again discussed, the objectionable clause was lost by a majority of thirty-four against twenty-four. The Bill for making the Legislative Council into a court of impeachment, passed the House of Assembly by thirteen to forty-two. The Bill subsequently passed the Legislative Council without a dissentient voice, and it was taken to be a sign of a good disposition on the part of the House of Assembly. With regard to the chief judge having a seat in the Council, that question was given up for a time. The Bill did not receive the royal assent, because Lord Aylmer conceived it to be contrary to the instructions upon which he was acting Yet he used these remarkable words in his dispatch:—"At the same time I take leave, with the utmost submission, to recommend the Bill to the most favourable consideration of his Majesty." And the grounds upon which he made that recommendation was, "That in my opinion, at no time can we reasonably expect that we will get a Bill passed, or the dispute settled upon such favourable terms." Then, with respect to the same Bill, the same Governor said, "I cannot avoid noticing the Bill for establishing the independence of the judge. I think it necessary, at the same time, to inform you, that, although the principle of this Bill coincides altogether with the views of his Majesty's Government, it contains one or two provisions that impose on me reservation until I know his Majesty's pleasure." Lord Aylmer's prediction was verified, the Bill was rejected, and has never since been passed. Many things now concurred to create discontent and distrust on the part of the Assembly. The changes in the Council gave great offence; and a new claim was put forward, spite of the recommendations of the Committee of the House of Commons, and spite of former usage, to the exclusive supervision by the executive, of the casual and territorial revenues. Your Lordships have heard what Lord Aylmer says on the subject of those revenues, and it cannot but be a matter of deep regret, that such a claim should, under such circumstances, and at such a period, have been put forward. Nevertheless, for the year 1832, a Bill of supply was passed, though the House distinctly and firmly refused any further permanent provision for the executive. In May of this year, 1832, a most calamitous riot occurred in Montreal; the troops interfered, and three Canadians, who were proved to have taken no part in the disturbances, were shot. When the Assembly met in session, a long inquiry commenced respecting this unfortunate affair. Great offence was taken at the conduct of the executive, and the general feeling now was, that justice, even with annual salaries, was with great difficulty obtained by the people, but that, with permanent ones, justice would be impossible. This ill temper was greatly aggravated by the conduct of the Legislative Council, which, at this time, took occasion to insult the House of Assembly; and by its continuance in the old plan of rejecting measures useful to the province, proved its spirit to be the same as heretofore. The ill-humour of the Assembly was not improved by the conduct of the Government respecting the civil list. In consequence of the Assembly's refusal to provide permanent salaries for the Governor and certain executive officers, the Colonial Minister determined no longer to ask the Assembly to furnish salaries for those functionaries, but took the proceeds of certain revenues, hitherto always submitted to the control of the Assembly, and out of them determined to pay the Governor and these executive officers. If your Lordships will put together and so arrange these various particular causes of discontent, as to see them all in one group, you will fully understand the state of feeling on the part of the Assembly. First, they found the old grievance of the Legislative Council was continued in all its pristine vigour. They believed that they saw good reasons for coming to the conclusion that justice would not be administered to the people fairly and impartially in matters of dispute between the executive and the people. They also saw the Colonial Minister pressing for permanent salaries for officers already too independent, and, because refused, violently appropriating revenues which, by long usage, as well as by the solemn declaration of a Committee of the House of Commons, had been entirely under their own control. The natural conclusion from all these proceedings in their minds was, that there was a determination on the part of the executive to free themselves from the wholesome control to which, by the constitution, they were subject; and the Assembly very naturally, and in my opinion very wisely, applied itself to the task of strengthening that responsibility on the part of the public servants, by which alone good service is secured. But to effect this did they, as did the people of the united English colonies on their continent, declare war or rebel? No, my Lords, they employed the peaceful constitutional means in their power; they refused permanent supplies, and again petitioned Parliament to redress their grievances. Nevertheless, again in 1833, they passed the supplies for the year, attaching certain conditions to their grant, by which mischievous pluralities were prevented. This Supply Bill of 1833 the Legislative Council refused to pass; and thus began that war of refusals, of which such complaints are daily made. When the House met in 1834, seeing that the Legislative Council had refused the last year's supplies, and believing that this year also the Council would reiterate their refusal, the Assembly did not provide supplies, but resolved to petition Parliament for redress, and their chief demand was for an elective Legislative Council. But I must earnestly entreat your Lordships to remember that this is the first of the two solitary instances of refusal of supplies by the Assembly; I shall soon have to speak of the second. It may be thought, my Lords, that I have a delicate task to perform, while I defend this demand for an elective council before your Lordships. Many pretended friends of your Lordships' House, have endeavoured, by a forced analogy, to persuade the people of England that the Legislative Council, being a second chamber, is the House of Lords of Canada. I, however, will not pay you the ill compliment to make any such comparison. My opinions respecting any species of irresponsible legislative body are well known, and need not here be repeated; but, whatever be those opinions, I never for an instant was so blind as not to see the enormous difference that exists between an aristocracy, properly so called, and a body of men selected by one will at hazard almost from amongst the people, and endowed with legislative functions. An aristocracy is a social distinction, it is the growth of ages; it results from ancient national peculiarities; it cannot be brought into existence at a moment, or at the will of any man. Power may create a legislative body, and give them exclusive privileges, but power cannot create an aristocracy. Wealth may build a wall, but no extent of riches can produce suddenly an avenue of full-grown trees. The last is the long product of natural causes—the growth of ages, and not the work of an hour. Your Lordships are what you are, not by any one man's will—a breath has not made, neither can it unmake you. The institution of this House is sanctioned by time and by opinion—it is supported by the respect always paid to antiquity, and by large territorial possessions. Strip the peers of their possessions—strip them of the *prestige* which attends them in consequence of their ancient history—reduce each one of you to the position of an obscure, poor, nameless individual—then fancy yourselves suddenly called together by an Act of Parliament, in direct opposition to the people's wishes—then, my Lords, but not till then, will the comparison hold between this House and the Legislative Council of Lower Canada. Your Lordships' strongest support is the national opinion, but in Canada the national opinion is against this body of hungry and irresponsible nameless legislators. And the House of Assembly only speaks the unanimous voice of its constituents when it demands, that in place of this unknown and untrustworthy body, they should be favoured with a respectable and worthy band of legislators, supported by the approbation of the nation at large. This is, my Lords, their view, and to me it appears a wise and prudent one, of an elective Legislative Council. In Canada, there are no elements for an aristocracy; this is acknowledged by all men who know that country, and experience has shown that you cannot force an aristocracy as you would force a cucumber. Why then cling to the dead and empty form, and reject the only principle which gives vitality and strength to this institution? That principle is election—for this the Assembly contended; and because they took the path which wisdom pointed out, we are about to punish them, by reducing them and their countrymen to the condition of slaves. But, my Lords, I am not justified in thus seeking excuses for my clients; my duty requires that I should take higher ground, and boldly assume, that unless they had made a demand for an elective Legislative Council they would have betrayed their trust, their honour, and their country. You, my Lords, as I have already said, derive your best title from the nation's approval of your institution; but in Canada the national opinion is entirely against this Legislative Council, and they who called themselves the representatives of the people did no more than what their bare duty demanded when they gave expression to the national will. Experience had taught the people that it was useless to expect any beneficial change in the body at the hands of governors 3,000 miles off, and they, therefore, failing in their first proposal of reform, were bound to endeavour to frame another, and what so natural as that they should adopt one under which the old colonies flourished, and grew powerful, and which they daily see produces innumerable benefits to their neighbours, the Americans? Looking to the past history of the American colonies, they learned that for nearly two centuries elective councils had existed in the most flourishing and powerful of the English colonies. Such being the fact, they could not anticipate that English statesmen now-a-days would gravely assert that such an institution was inconsistent with the relation of colony and mother country. What! is it impossible, when under it the most extensive colonies England ever possessed lived happily and peaceably; and that while it existed these colonies proved, by a prodigal effusion of their blood, and expenditure of their treasure in the cause of England, their attachment to her name and dominion? The Canadians, therefore, without hesitation adopted this precedent, and sought by the sanction of antiquity to conciliate opposition. They were mistaken; authority was disregarded when interest was endangered. Official people admire the wisdom of ancient times, and patronise Conservative doctrines only so long as they are likely to gain more by retaining an institution than by changing it. Show them some personal advantage to be derived from change, and there can be found none so daring, so reckless, in their desires and attempts at alteration. The men who shrink with affected horror from remodeling the constitution of the Legislative Council, without trembling and without compunction, do at one fell swoop carry off the entire constitution. They dread to touch a part, but exultingly destroy the whole. The House of Assembly could not foresee, that inconsistency would be so bold; neither could they believe that any serious objection would be made to the adoption of a plan which had, for so many years, existed in full operation in our most favoured colonies. It is said, however, that it was unjustifiable in the Assembly to use their constitutional power to obtain an organic reform. What, my Lords, do I hear this dangerous argument used by men of so called Conservative opinions? The wildest fanatic for revolutionary change never propounded a more destructive principle. What is the meaning of this statement? This, if it mean anything:—You are not to seek great reforms by peaceful means. All changes that are trifling, and not likely to agitate the whole body of society—these you may pursue by quiet and legal means; but when you seek such extensive reforms as to excite all minds, to raise up a hope or fear in every heart—when the angry passions are most excitable—then you are to forego methods of peace, and modes of constitutional action. If you are determined on reform, it behoves you to seek it by arms, by violence. Are these counsels wise in these times of social, and general, and very dangerous excitement? Is it not far more prudent to accustom men wholly to such peaceful modes of action—to dissuade them from ever looking to the adoption of violent and physical means for attaining great moral ends? Such, however, is not the advice or the creed of those who tell us that organic changes are not to be sought by constitutional means. They who blame the Assembly for adopting the peaceful means within their power, are the most vehement and successful preachers of violence and rebellion. A nation suffering under abuses will not fail, will not cease, to try to get rid of them. The desire and the hope of reform you cannot prevent: it is the height of wickedness and folly to force these desires into dangerous courses—to bid men be hopeless of relief from moral power. The Assembly of Lower Canada, however, were truly Conservative. They followed in the well-known and well-marked tracks of the constitution, and adopted the method of redress which Parliament had of aforethought placed in their hands; by which placing I assert, my Lords, that we are estopped, to use a legal phrase—we gave them with our eyes open a discretionary power, and we are not justified in quarrelling with their use of it. But it is asserted, and by high authorities, that by the conduct of the House of Assembly the constitution of Lower Canada was in reality suspended, and that, therefore, this measure is needed. Now, in answer, I will first prove that the assertion is wholly unfounded. The constitution has not been suspended by the Assembly. So much for the premises; but next, as to the conclusion, I will endeavour to make it manifest that none such accurately follows. In the history of Canadian grievances which I have ventured to lay before you, I have arrived at the demand made by the Assembly in the year 1834. In that year, they embodied their grievances in ninety-two resolutions, and sent agents home to lay their complaints before Parliament. A Committee was appointed to inquire into the truth of their allegations, but this

Committee never came to any determination respecting the matter, in consequence of the Ministerial difficulties which induced Lord Stanley to resign the office of Secretary for the Colonies, and placed Mr. Rice in his stead. Mr. Rice was anxious, as he said, not to be hampered by any determinations of the Committee, and he requested the Canadian agents, and myself, to allow the Committee to close without asking for a decision; promising, at the same time, loosely and vaguely, that his future proceedings as to Canada should be favourable. One solemn promise he made, the breach of which led to the second refusal and last refusal of supplies, and that was, not to pay the arrears of salary which the Assembly had not provided for: he professed great horror of any such encroachment upon the privileges of the Assembly, and great respect and attachment to the peculiar doctrines of our constitution concerning the appropriation of money by the Commons. The agents, at my request (for which request I most sincerely entreat pardon from the people of Canada), put faith in the right hon. Gentleman's professions and promises; yet we had hardly left his office, when despatches were sent to Lord Aylmer, ordering him to pay thirty-one thousand and odd pounds of salaries in arrear. The governor obeyed his instructions, and also with like obedience did, when the Assembly again met, demand of them to pay all the arrears of salary, together with the money which he had advanced. The Assembly, naturally irritated, refused compliance; they for the second and last time refused the supplies, saying, "We will again appeal to the Parliament of England, and ask whether they sanction such conduct," and they again strenuously insisted upon their demand of an elective Legislative Council. Before I proceed in my history, I would request your Lordships to mark well, and to reprobate, the example which I have here laid before you of a very dangerous, but very common, system at the present time. What could any man expect to be the consequence of conduct such as I have described—conduct little worthy of the high station of Colonial Minister—in fact, I know no honest station that would not be degraded by it? But I call your attention to it, as part of a disingenuous and dangerous system, which has throughout been followed with respect to this unfortunate affair. The people of Canada have not been fairly dealt with. The Minister has constantly, by ambiguous language, raised hopes intentionally which he never intended to satisfy. In the very case before you, Mr. Rice made the agents believe, he made me believe, that he was about to pursue a course wholly unlike that of his predecessor. He intended by his language to raise this belief in our minds, while he endeavoured to screen himself by an ambiguous phraseology, which, with Old Bailey ingenuity, was to be used and explained upon fitting occasion. But neither he nor his successor ever seemed to consider what the result would be upon the minds of the colonists; the difficulty of the present time was staved off, and the future was left to take care of itself. To this disingenuous conduct, however (I will give it no harsher name), much of the discontent that arose can easily be traced. Hopes were raised only to be disappointed; disappointment brought anger; and anger brought resistance. It was so in the present case. The hopes of the Assembly had been raised by the language held by the Minister to their agents. Their disappointment was bitter, when they learned what his conduct had been. They considered themselves insulted—first, by the trickery of the proceeding, then by the interference thus openly practised with affairs wholly and peculiarly subject to their own control, and they indignantly applied to Parliament for redress. My Lords, you all know the history of the latter part of the year 1834. The Ministry was suddenly changed, and, as usual, a change took place in the colonial rule. Lord Aberdeen succeeded to Mr. Rice. That noble Lord determined to send a Commissioner to Canada for the purpose of inquiry and redress; but before he could carry his design into effect, the Ministry was again changed, and the unfortunate colonies had again to undergo a change of masters. The present Minister, Lord Glenelg, then came into office; he seized upon this idea of a Commission, and multiplied the numbers of the Commissioners, making them three instead of one. Lord Aylmer was removed also; Lord Gosford took his situation, and filled at the same time the somewhat incongruous offices of Governor and Commissioner. The system of deceit was now in full force; every possible method of cajolery and mystification was practised, and again hopes were raised, intentionally raised, which the Ministry were determined never to satisfy. I will not now stop, my Lords, to describe the low and degrading arts employed to trap the Assembly into voting the supplies. It was my duty to set this whole history before the public of England. I have done it fully once, and I leave willingly, and for ever the humiliating subject. Suffice it to say, that in spite of their arts and mean devices, Sir Francis Head whose *etourderie* has hitherto been farcical, though it has lately led to tragical results, published his instructions, and thereby discovered the intentions of the colonial Minister, and the deception practised upon the Assembly of Lower Canada. The Assembly, therefore, refused for the present, to pay the arrears due to the public officers. But in order to prevent further inconvenience, they voted a six months' supply, and again appealed to the Parliament of England. At this period of my argument, I must request you, my Lords, to take a retrospect view of this history. At the outset, I told you that if there had been ill conduct, such as deceit, vacillation, non-fulfilment of engagements, petulance, and low arts of deception and intrigue, I would show the Assembly not to be the guilty parties, but that I would fasten the guilt chiefly upon the agents of the Crown. Have I not fulfilled my promise? You are constantly told that the people of Canada had, since the year 1828, had all their grievances redressed, and yet I have proved to you that in spite of all sorts of boastful promises and professions, the great grievances complained of in 1828 still remain. The Legislative Council was as bad as ever; the judges were still wholly dependent on the Crown, thus poisoning justice at its very source; the revenues, the growing revenues, of the country, were withdrawn from the control of the Assembly, while the only step towards reformation, was the performance in 1831, of a promise made in 1794. But these three great grievances, the parent source of all the sufferings and all the complaints of the Canadians, were the grand subjects of complaint in 1828. They still remained in their pristine vigour; and yet are we told that all was redressed! But during this period, what was the conduct of the Assembly? Did they act in heat and with passion? Did they call in question the dominion of the mother country? Did they, like our English colonies, prepare for armed resistance? No, my Lords, they did none of these things, but they said, "We are tired of this state of oppression, we have the constitutional power of regulating the supplies, and, although we will carry on the government, we will not recede from our demands, will not concede to our opponents that which they seek to tear from us, before we learn the definite determination of the Imperial Parliament." Did this conduct deserve punishment—was there here any abuse of power? How can any one assert that by such proceedings the constitution was suspended? Peaceably, calmly, the Assembly appealed to the great governing principle of that constitution, and waited with confidence to see them produce their legitimate effects by the assistance of the Imperial Legislature. The expectations of the Assembly were, however, doomed to a bitter disappointment. I now arrive at the eventful period 1837, and the Parliamentary proceedings respecting the Canadian difficulties. The Commissioners of the Crown sent home voluminous reports, which are in every one's hands. I will not now stop to describe them. They have been condemned by all parties, and need not my helping hand to consign them to their due place in history. But now came the grand determination of the Ministers, which may be briefly described thus:—They flatly refused to amend the Legislative Council by the mode of election. They gravely asserted that the Legislative Council required reform, and they thereupon determined to seize upon the money of the colony lying in the provincial treasury, and to apply it as they thought fit. Here was the first, the most flagrant, violent, breach of the constitution—a breach, too, of solemn promises made in acts of Parliament—promises made expressly to our North American colonies and expressly on this very point of application of the provincial funds. We never, even before our experience gathered in the American revolution, dared to try so bold an experiment upon the patience and forbearance of any colony. Here was collected together under acts passed in reliance upon England's honour, money the produce of three years' taxation. Safe, as the people of Canada believed, because guarded by the authority, and sanction, and guarantee of this country, they slept secure, although their treasure was in the hands of others, because they believed those others to be honest as well as powerful, and because they had our pledged faith and honour that we would never appropriate it without their approval. Alas! alas! for England's honour—alas! for our character for common prudence, for common honesty!

When we passed those fatal resolutions, we set a dangerous and fatal example of disregard of public faith and of public morals. We shook all men's faith in the most solemn compacts, and taught our subjects to believe that whatever we had the power to do we should believe that we had the right; that we placed ourselves above all moral rules, and decided upon our proceedings solely with reference to our own immediate power and expediency. Let us not, then, complain if others do as we have done, and imitate but too successfully the example we have set. Remark, however, the forbearance, the prudence, and the firmness of the Assembly at this pressing juncture. America, under circumstances far less exasperating, had at once rebelled and successfully resisted our attempts to assert our dominion. The kind feelings of the Canadians were not so easily shaken. Although their near neighbourhood to the United States rendered their situation in case of preconcerted and deliberate revolt, far more hopeful than was that of America formerly, still they did not call out for rebellion, or prepare for resistance. They believed that the strife would be one of no ordinary horror, and they shrank from the responsibility of beginning it. Still they determined not to yield wholly and without compromise; but they did determine, seeing the determination of Parliament for the present to forego their desire of an Elective Council, provided that the promise of reform contained in the resolutions of the two Houses of Parliament was fulfilled. The people, however, determined to try what they could do by legal means to shake the resolution of the mother country. They said—"If you determine not to do us justice, we are not bound to be your commercial customers, and we will learn to depend upon our own resources." In imitation of the Americans in 1774, non-intercourse was established, and they also resolved to settle all differences by arbitration of judges appointed by themselves. These last resolutions were of the people, be it remembered. The Assembly met in August, 1837, and to their astonishment they found the Governor asking them for money, threatening them with the resolutions of the Parliament if they refused it; and at the same time they discovered, that he had done nothing to soften the rigour of this proceeding by fulfilling the promise of reforming the Legislative Council. Their answer to this demand was—"Perform the promise of reform, and then ask us for money; until that promise is fulfilled we cannot entertain your demand." Had that promise been fulfilled in its true spirit, I am prepared to prove by evidence at your bar that it was the intention of the Assembly to have voted the supplies. I will adduce this evidence, and your Lordships shall judge whether they who through negligence or some worse reasons did not obey the commands of Parliament are the persons who ought to be accusers in this matter—whether the accused are not the innocent — whether the accusers be not the offending parties. I here solemnly charge the Minister of the Crown, the Secretary for the Colonies, with being the author of all the calamities which have resulted from this fatal betrayal of his duty. Whether it was indolence, incapacity, heedlessness, neglect, or intentional disregard of duty, it is not for me to inquire. I see the result, I know the cause, and I call on you, my Lords, if you seek to punish the guilty, if you desire to make answerable those who have disturbed the peace of the empire, have led to the slaughter of her peaceful subjects, have introduced the horrors and calamities of war into the peaceful vales of Canada, to look to the culprit who sits beside you. Call on the Minister of the Crown to answer this charge, and do not, I entreat you, add to the misery already existing by allowing this dreadful measure now upon your table to become law, and thus render confusion and dismemberment of the empire almost inevitable. Punish the guilty, spare the innocent. Throw out this Bill, which is an injustice to my clients, and bid the Minister of the Crown make his defence upon three grave and solemn charges. Some of you, my Lords, may smile at this idea, but be assured, that posterity and the world at large will affirm the judgment which I have ventured to pronounce. I have now, my Lords, brought to a close my history of the Assembly's proceedings. As soon as the Address was passed, to the effect that I have described, they were unceremoniously dismissed, without further explanation or application. Since that moment the Assembly which this proposed measure is to annihilate has had no means of acting. The members composing it, having returned to their homes, were scattered over a territory of above 800 miles in extent, and are not collectively answerable for anything that has happened since. Looking back, then, my Lords, again, have I not made out my first proposition—viz., that the conduct of the Assembly has throughout been wise, firm, forbearing, and prudent? Spite of all the various provocations they received (and I have passed, of necessity, over many, lest I should tire your patience), spite of all the trying injuries heaped upon them, spite of disappointment of all their most cherished hopes, they never swerved from their path of duty, and always evinced respect and obedience to England; and yet are we now about to reward their generous zeal for their country, their confidence in us, their respect and attachment to our dominion, by degrading and insulting them and their country, making them an object for the scorn and contempt of the whole continent of America. If this be prudent, it is not just, it is not generous. The world will wonder, I fear, at our rashness, as well as our injustice. But it may be said, it is true that the Assembly are not to blame, but the people have rebelled, and rebellion must be punished, and what so fit a punishment as depriving them of that power of self-government which they have abused? The answer to this assertion is,—first, the people have not rebelled; but a portion, a small portion, of the whole broke out into a riot in consequence of what they conceived a crying injustice committed by the authorities; next, in this riot there was no abuse of the powers of self-government—there was no connexion between the Assembly and the riot. The riot took place merely in consequence of some proceedings which the people thought unjust, and which they resisted. The people, in fact, had resisted the execution of certain writs, as he had no doubt their Lordships knew from the newspapers. There was evidence that the Government had knowledge of the proceedings of the people for a length of time before they chose to take any notice of it; at last, however, they seemed to have discovered that a conspiracy existed somewhere, and their method of taking measures to provide for the public safety was curious. They forthwith dismissed a number of officers of militia, much in the same way as a certain Government had once dismissed Earl Fitzwilliam from a high situation for attending a meeting for the reform of Parliament; nearly in a similar way to this were those officers of militia dismissed for attending a meeting, and along with them were dismissed also a number of magistrates, and a new commission was issued, leaving out almost all in whom the people had confidence. Your Lordships must understand, that just at this juncture the Jury Act had expired, leaving it in the power of the Crown, by means of the Attorney-General, an officer of the Crown, and appointed, paid, and dismissable by the Crown, to prick just whomsoever he pleased to serve on juries. Just at this time Lord Gosford issued warrants against persons on account of acts committed three months before: these were directed chiefly against M. Papineau's associates, but not against M. Papineau himself in the first instance, though very significant warning was given that it was intended to issue a warrant against him shortly. Such are the facts of the case: and were your Lordships called upon to disfranchise a borough, or to deprive a corporation of its charter upon such a case, you would give a flat refusal; and yet here, in a case where the outrage upon existing vested interests is far more marked and extraordinary, there seems no hesitation. A small portion of the whole people, a few parishes, resist a force endeavouring to arrest certain individuals; thereupon you punish the whole nation, who could have no part in the affray, who neither by word nor by action aided and abetted the rioters. Compare the conduct pursued with regard to the Canadians with that towards the people of Bristol. A dangerous riot occurred in that town; yet nobody thought of depriving the city of their Representatives nor of their charter. Look at the daily riots of Ireland—whole counties, not parishes, declared to be in such a state as to require martial law; and yet there is no proposal to deprive Ireland, or even the disturbed counties, of their Representatives. Take again a yet more striking case—Scotland in 1715 and 1745. At that time the whole of Scotland was on the side of the Pretender, and actually in willing subjection to him; and yet Scotland was not deprived of her Representatives. Even the supposed parallel case of Boston affords nothing like the present Bill. An outrage in that case had been committed expressly against the authority of Parliament; the whole people of the province of Massachusetts Bay applauded the rioters, and refused to give them up, and turned out in arms to resist the Government. Yet, then, all that was proposed to be done was to give to Boston a constitution similar to that which Lower Canada now has. There was no attempt to destroy their means of self-government, their House of Representatives remained; but the Council was now to be chosen by the Crown, instead of being elected by the people. The truth is, my Lords, and we cannot hide it from ourselves or the world, this riot is but a pretext. The Ministers found that the Government of Canada, with its present constitution, was a painful and difficult matter, and they took advantage of the fright which this riot created in Parliament to persuade them that the source of all this confusion and terror was the House of Assembly, the fact all the time being, that the imbecility, the vacillation, and deception adopted by the Ministers, were the true causes of the disturbance. Pretences were wanted to cover this disagreeable fact, and the riot came opportunely to their aid. Nevertheless, it may still be insisted that some change is necessary, because the populations, English and French, are divided and hostile, and the French majority are said to oppress the English minority. Having thus proved the injustice of the proposed measure, by describing and defending the conduct of the Assembly, having, as I believe, successfully justified that much injured, much calumniated body, and repulsed the various attacks which malice and ignorance combined have made on it, I now proceed to that part of my duty which is comparatively light and easy. I am no longer on the defensive, I am about to attack the so called healing measure on your Lordships' table, and to prove it to be for good purposes wholly inadequate, while for mischief it is but too potent and effective. Let us, at the outset, clearly understand what the measure is, and what it is intended to effect. The Bill is called one for the government of Lower Canada. Difficulties have arisen in the government of that colony—difficulties such as I have been at some pains to describe; the machinery created by the act of 1791 has been found not altogether perfect; the Assembly has exercised its powers in a manner to give offence; and you are in consequence called upon—to do what? Amend the faulty parts of the machine? so to arrange the now conflicting powers of it that it may proceed to its accustomed and useful work? No, my Lords, this is not what you are now asked to do. The bright idea of mending the machine by first destroying it has suggested itself to the Colonial Minister; and because the great mass of the Lower Canadian population are already somewhat displeased with the treatment they have received at our hands, it is deemed the height of wisdom to take a step which will inevitably increase their discontent, and render their allegiance the result of physical coercion, and not spontaneous and affectionate attachment to our dominion. Now, my Lords, I must presume to differ entirely from the policy of this proceeding, and I will at once endeavour to show your Lordships how all the present difficulties attending our rule will be greatly aggravated by this fatal measure—to point out to you the portentous evils with which it threatens us, the dire calamities which must of necessity flow from it. But still it may be said, something must be done. I allow it. This admission, however, does not yield anything in favour of this Bill. This measure makes bad worse; where under present circumstances you have one difficulty, under this brilliant specimen of colonial legislation you will have to encounter a hundred. When I have proved all this, my Lords, I will go one step further, by showing that it is wanton mischief—that a dangerous path has been chosen—that you have, while a safe one was open to you, adopted a course in which you encounter danger, in which you certainly incur enormous expense, which will probably produce calamity without limit, and yet attain no security for the future—that you do this, when it is possible with ease to allay all discontent, without incurring any danger of hostility at the present time, and also to provide for our future security from any evil that may threaten us in consequence of the great and rapidly increasing power of the great federal republic of North America. The Bill, in the first place, is a temporary measure. You suspend the constitution of Lower Canada till the year 1840, and in the mean time you send out a dictator. The question immediately arises — in what better condition do you suppose you will be in the year 1840 than now? What do you suppose will take place when the constitution revives? Will not the same difficulties which now beset and obstruct it revive also? But we intend to provide against them. By what means? and why are those means not at once adopted? Why do you not now amend the constitution in place of destroying it? You know the whole case—more information cannot be obtained. Why, then, delay to act? Why, because they who have the power have not the courage to face the real difficulties of the question. This sending out a dictator, this temporary suspension of the constitution, is a part of the old system which has produced the present crisis. The great object of all Ministerial endeavours seems to be to stave off a difficulty. Manfully to grapple with it requires courage, requires knowledge; and courage and knowlege are qualities, unfortunately, which are far too rare in the rulers of mankind. At this moment the Ministers of the Crown are reduced to this dilemma—either they know what ought to be done, or they do not. If they do know what ought to be done, there is no need of delay; if they do not know, they never will. Let us not, however, hide the truth from ourselves. They who have governed England and her colonies for the last six years, have been always halting between two opinions, and subject to the influence of two sorts of principles diametrically opposed. They have obtained power under the guise of liberality—under the promise and pretence of reform. They have endeavoured to retain power without any fulfilment of their promises. The consequence has been that their Government at home and in our colonies has been one continued shuffle. They have allowed expectations to arise that they determined not to satisfy. They seek to make men live upon hope, and themselves desire to enjoy all the odour of liberality. Discontent, however, attends disappointment, and all our present difficulties in Canada are the result of discontent and anger, raised by the disappointment of hopes produced by this unwarrantable system of promise without performance. Habits, however, are not easily eradicated; the Ministers of the Crown will not take lessons from experience, and are determined to continue their old game of procrastination and delay. But, my Lords, I appeal fearlessly to your common sense, and to your honour and honesty, and I ask of you, possessed as you are of all the knowledge which the case affords or requires, whether it would not be more prudent, more honourable, more honest, at once to say what you will, what you will not, do to satisfy the wishes of your colonists? Take your measures like bold, like honest men: tell us what they are; establish your system of colonial rule—that system to which you determine to adhere, and at once frame that machine of colonial government which you believe to be the best one. Do this, and there is no need to suspend the constitution of Canada. Change it, if you so determine; but do so at once, and do not fly to subterfuge. Do not come with hypocritical pretences of sorrow—hollow lamentations over the necessity which compels you to act, and under the guise of sham liberality perpetrate this crying outrage against common sense and common honesty. If you intend permanently to destroy the representative government of Lower Canada, say so at once, and do it avowedly and openly; and do not, I entreat of you, adopt the poor, the paltry screen, of saying that you suspend it only. If you do not intend to destroy, but to amend it, let us at once know what those proposed amendments are. For your own sakes, for the sake of that connexion between this country and the colony, which all in this House and most of those in the other House of Parliament prize so highly, I beseech you, my Lords, to adopt this manly, this honest course, for depend on me when I tell you, that the moment this Bill becomes a law, all hope of any peaceful maintenance of that connexion may at once and for ever be discarded. I know the people of whom I am speaking; I know the circumstances by which they are surrounded, and without hesitation I assert that they will deem this measure one of great, of unmitigated injustice: they will consider it part of a system, and that system they will believe to have for its object the establishment of such a colonial dominion as will leave them but the shadow of freedom. They will feel that this measure is an insult as well as injury; it will degrade them in their own esteem—it will degrade them in that of their neighbours. They will make comparisons between their own position and the happy situation of the free citizens of the United States, and they will, while they imprecate curses upon the rule under which they are compelled for a time to crouch, look with longing eyes to that mighty people who dwell near to them, and will in secret cherish the darling hope, that the fortune which ever pursues injustice, even though she be halt, and lame, and slow, will yet inevitably overtake it, and bring with the turn of her fatal wheel an opportunity of punishing their oppressors, and vindicating their own honour and freedom. I speak prophetically, my Lords, not as one wishing the misfortunes to England which I now predict; but be you assured, that now in scorn and contemptuous disregard of worthy men and worthy feelings we are sowing seeds of discontent and resistance, which some day, not far distant, we shall gather into our garners with tears of sorrow and of shame. It is the fashion, my Lords, to talk of the ignorance of the Canadian people; and assertions are recklessly hazarded, which greater knowledge of the people and their actual condition, and also of the true criterion of education, would altogether have prevented. We are prone to believe that America and Europe are the same, and to fancy that the agricultural serfs, who in Europe form the mass of the inhabitants, find a counterpart in the independent possessors of the soil in America. Never was there committed a more gross or a more fatal error. America at this moment is governed by habits of thought and feeling, fostered, perpetuated, and extended by that remarkable band of religious and political enthusiasts who originally settled New England, and whose sons now swarm in every part of the great federal union of the United States. The political creed of these men has, in reality, become the political creed of the whole continent, and is entertained as well by the descendants of the French colonists on the banks of the Mississippi and the St. Lawrence, as by the immediate heirs of those English who originally seized and settled on the shores of the Hudson or the Connecticut. You are treated often with dissertations upon the feudal laws and burdens which exist in Canada; believe me, my Lords, when I tell you, that a feudal schism is unknown in that country; that the people are not driven, but persuaded by their leaders, and that the influence of Papineau and his friends at this moment is precisely the same sort of power as that possessed formerly by the Adamses, the Warrens, and the Washingtons of America. How do I prove this? I do so by stating two facts, for which I challenge and defy contradiction. Let any seigneur change his present politics, and take part with the oppressors of Canada; let the priest of the parish preach the same doctrine, and then let these two persons combined go to a political election against a liberal candidate, and I will abide by the result. The seigneur and the priest will fail. Why do I assert this? Because the experiment has been tried and failed. Well-known instances must suggest themselves to every one conversant with the affairs of that country. But if this be so, what becomes of the assertions concerning the ignorance of the Canadian people? Do you usually find an ignorant and dependent peasantry turning a deaf ear, and refusing obedience to the commands of their territorial lords, and their priesthood combined? Never. Such a phenomenon was never seen. But in America, where the farmer is his own master, living in great plenty and comfort, and surrounded by circumstances which daily call for great activity of mind, of great ingenuity, under novel difficulties which task his sagacity in the application of means to ends—the farmer, I say, who is thus situated, acquires habits of independent thought and action; he listens to him who comes armed with reason and with facts, and despises any attempt which would subject him blindly to authority. Talk not to me of reading and writing as the only criterion of education; I have seen many a farmer who knew nothing of scholastic learning, yet was well read in the book of nature and experience, whose judgment was far more sane and accurate, whose sagacity was far more acute, and whose mind was much more thoroughly guarded against the assaults of prejudice and superstition, than those of many a learned, but still ignorant bookworm, whose only knowledge was the pretended science of the schools. Furthermore, my Lords, when we speak of ignorance, let us remember this fact: the moment that the means of scholastic education were placed within the reach of the Canadian people, the whole population at once availed themselves of the advantages thus offered to them. And let us never forget, that they who are ever harping upon this ignorance of the Canadian people, the Legislative Council, in the year 1836, did, from political hate and to serve their own base purposes, deprive 40,000 children of the means of instruction, by shutting up the national schools. And this ignorant people have cherished, and will cherish, the memory of this wrong, so that when the day of retribution is come, they may not forget the punishment due to the crime. I now, my Lords, invite your serious consideration to the peculiar condition of the American continent, so that when you have well weighed the various and extraordinary circumstances there existing, you may be able to form something like an accurate and vivid conception of the probable effects of this proposed measure and the influence that it is likely to have upon the future peace and security of our American colonies. Any person who should for the first time look upon the map of North America would naturally have his attention irresistibly attracted to that immense territory which stretches from the Atlantic to the Pacific across the whole continent, and which extends from the Gulf of Mexico to the chain of lakes which have their outlet to the sea by the St. Lawrence. His astonishment would undoubtedly be created if he learned that this immense and fertile tract, situated within the most favourable degrees of latitude, possessing every conceivable natural advantage, belonged to a people speaking one language, and united under one Government. His opinion of the power of this people would be undoubtedly greatly raised when he also learned that the whole of the various of this stupendous country were self-governed, and that the people took every precaution to increase and improve their own education and that of their children. His ideas of this people's greatness would receive no diminution when he learned that their commerce extended to every realm, and that every improvement in science was, by the ingenuity and enterprise of the people, immediately on its becoming known, applied to practical purposes; that by this means a system of roads, railroads, canals, was there to be witnessed which defied the world to parallel it; that steam, with all its wonders, had there almost its birth, and was there certainly hourly extending the dominion of man over nature. Would he not exclaim when he was told that this gigantic power was only in its infancy, "Wo unto those who shall cross this mighty people in the hour of their meridian greatness; and blind must be those statesmen of other nations, who, if they have the power, neglect the means of creating a counterpoise to such a dominion?" Such, my Lords, however, is the United States; and the influence of her opinions is already paramount upon that continent, and affects the habits of thought and feeling of every inhabitant of its boundless regions. Now the leading dogma of this people's political creed is, that all men ought to be self-governed, and they look down with ineffable contempt upon all who submit to the domination of others. The Canadians, living in daily intercourse with these bold-thinking and free-speaking republicans, have necessarily acquired their habits, and adopted their political dogmata. What will be the necessary consequence of your depriving the Canadians of that highly prized privilege—viz., the right of self-government? You will at once excite the indignation of the whole population of the United States, and create intense sympathy with the suffering, and as they will call them, the oppressed and enslaved Canadians. Not a newspaper among the millions that circulate within the American territories but will contain violent philippics against you and your enactment. You will be unable to prevent these papers circulating throughout the Canadas. Besides, you cannot prevent the expression of opinion reaching the Canadas through personal communication. Every trader coming from America will exhibit his indignation of the oppressor, and his sympathy for the reluctant, and contempt for the willingly suffering and submissive. Deep shame and bitter hatred, and cherished hope of revenge, ample and immediate, will be the inmates of every Canadian bosom. Your armies may for a while enforce obedience, but a thousand accidents may at once and for ever drive you from the continent. Any dispute with America which shall again, as in 1812, bring her armies on your frontier, will not find you with a population enthusiastically attached to, and ready to die for your dominion. No; in place of this, the Americans would find the Canadians stretching out their arms for succour, crying with piteous voices and bitter wailings and curses. "Aid us in throwing off the yoke of the oppressor. Come, brave and generous people, sympathise with our wrongs, and alleviate our misfortunes." Your dominion will end. Should any national calamity occur which would cripple our power and our resources, they will, if possible, rise in open rebellion, and again would they stretch out their arms and cry for succour from the already sympathising Americans. My Lords, this is no idle fancy of my brain—no fantastic product of a heated imagination. At this moment the picture that I have drawn may be seen in the life. You are told, and I believe truly, that the American Government sincerely desires peace with England; but in America it is the people that govern. There you cannot neglect or contemn the popular feeling; neither can you easily suppress its working. Is not the Federal Government at this moment powerless in its attempts to put down the excitement now existing on their northern frontier in favour of the Canadians? This excitement has been created simply by the fact of revolt against the mother country (for as yet they know nothing of this measure of revenge). Their own revolution is ever in their thoughts. The cases, in their opinion, seem almost identical, and they believe that the God of the oppressed bids them aid and assist the Canadians. The revolt, in spite of all these formidable difficulties, may be suppressed; but where is your security for the future? Your well-trained soldiers may defeat the rebels, but they cannot convert them into attached and faithful subjects. Every act of this fatal tragedy only renders more certain the painful, and to us, humiliating, result. Hostile separation and war with the United States will some day inevitably follow. Then, my Lords, see what follows. This already too gigantic power will add to her union the whole continent of America. They are shallow politicians who cannot see the immense temptation which is held out by the free navigation of the St. Lawrence to all the northern states of the Union. The very question which, of all others, appears most likely to create dissention in the Union, viz. that of slavery, renders, under present circumstances, the annexation of the Canadas, as a counterpoise to Texas, almost inevitable, unless timely and wise precautions be taken by England to prevent it. Can such precautions be taken? Do any means exist by which this fatal junction might be prevented and our discontented colonies firmly attached to our dominion? My Lords, I think there are such means, and to those means, to that measure which ought to supersede the direful experiment you are about to venture, I will almost immediately apply myself, and shortly describe it, as the best apology I can offer to your Lordships for the trial I have made of your patience and attention. I would, however, before I do this, add a few observations upon the consequences likely to result from the precious specimen of legislation before your Lordships. It is clear that this suspension of the Canadian constitution is not needed for the suppression of the revolt. It is clear also that the noble Lord who is to be Dictator of Canada is not to employ his powers to that end, otherwise he would proceed immediately to his government, and not await the coming of fine weather in the spring. Except, then, for purposes of vengeance, the objects of this Bill are all prospective. By the preamble as it originally stood, and also by the instructions to Lord Durham, which have been printed, we are told, that one of the means which his Lordship will adopt for the future better government of Canada is the calling together of a convention; and the members of this convention in Lower Canada are to be elected by the people of that country. Now, at this moment I will say nothing as to the wisdom or folly of this proposed arrangement, but I call attention to this remarkable circumstance. The very same persons—viz., the Ministers of the Crown, who dread the assembling of the Parliament of Lower Canada, who dread also a new election, yet have no fear of calling the people together for the election of delegates to a convention. It is obvious, then, that they do not fear assemblies of the people. What, then, do they dread? and why do they not allow the noble Lord who is to go out as pacificator after peace is established — why not allow him to call together the Parliament? I heard a whisper and a suggestion in the other House of Parliament which to me explained a mystery. There will be some plan devised to narrow the constituency of that country, and the ignorant meddlers in politics who have hitherto ruled the destinies of that unfortunate country are so blind as not to see the consequence of such an attempt. You are told, my Lords, that all the wealth of that country is in the hands of the English, and you believe what you are told. Now, hear my version of the story; all the real wealth of the country is in the hands of the agricultural community, and they, for the most part, are French, while the pretended riches of the merchants of Montreal and Quebec, who are chiefly English, is more show than reality. Few are rich—few are solvent; and the real cause of their furious outcry is the dread of bankruptcy in peaceful times. Create a riot, and to be a bankrupt will not be dishonourable. Keep the country quiet, and if they break, then men will scan closely the honesty of those who have deluded their creditors. However, make your electoral qualification higher, try the experiment, and you will not have one Englishman in your new Parliament. Your only chance is by extending the suffrage; but this does not accord with notions predominant here, and we are all but too prone to fancy the rest of the world like ourselves in every particular. The noble Lord who is about to go on this mission of supposed peace will find all his plans of good ruined by the suspicion attendant on this Bill. He is popular it is said, in this country. I suppose that he is known to the people by some great achievement in their favour, by some great service rendered them. But to the Canadian people he is unknown, except as the dictator who strides over the ruins of their constitution, and the near connexion of one they deem their bitterest enemy. He may surround himself with pomp and parade; he may enact the viceroy, and play with what effect or vigour he pleases the farce of mock royalty; but when he sends this bill as his harbinger, be assured that he will play to empty benches: he will be no popular favourite; and, though a star from London, the provincials will not run after him. Some few fools may gape and cry God bless him; but the national feeling will be such towards him, that no man need envy him his power, even with all its tinsel concomitants; nor will he, if he have the heart of a man, long stand up against the concentrated hatred and indignation that will on all occasions break out against him who could seize this unhallowed sceptre, and consent to play the dictator over an injured and a helpless people. Perhaps, in the day of his failure, he will remember the words uttered this night. But what then ought to be done? Let me answer that question in one sentence:—Do justice to Canada. You seek to retain your dominion, you wish to maintain peace, you desire to have your colony a profitable possession. If you wish these things, reign over it with justice; but justice here means—grant the demands of the people. What are they? Freedom from irresponsible rule. The interests of England are in this the same as those of the colony. England gains nothing by an irresponsible Legislative Council. Give the people a government which shall provide for their interests and for yours, and not for those of the hungry band who have so long preyed upon the vitals of the colony. How is this to be done? As follows:—A careful and provident statesman would, in all his measures respecting the present government of Canada, keep a steady eye on the future destinies of the colony—would be careful so to arrange his plans as to render it impossible that any junction with the United States and our present colonies should ever take place. The present condition of those provinces gives you an opportunity of doing both the things which you should now seek to effect—viz., to allay the discontents of the lower and upper province, and provide against the extension of the power of the United States. The mode of allaying the discontents of Canada I last year propounded to the House of Commons, and have lately again set forth to the head of her Majesty's Government. That plan contemplated the abolition of the Legislative Council, and the creation of a council of advice, to be chosen by each successive governor. By this means, responsibility would be fixed upon a single person, who would have all the advantage that could be derived from advice. In order to protect the general interests of the colonies and England's interests, it was proposed that there should be a general assembly composed of persons elected by the various legislatures of the different colonies, that by a written code the powers of this body should be determined—one of their functions being to hear impeachments preferred by the Colonial Legislatures. Besides this body, it was proposed to institute a superior court of judicature, to try all judicial questions between the several colonies—and such as should arise from calling in question the limits of the powers exercised by the general assembly and the several Colonial Legislatures. Such a machinery as this would keep your colonies in one compact body—would keep them separate from the United States, and when the time comes, which must come, in which they are to be independent of our dominion, they might form themselves into a northern confederation, balancing and controlling the powers of the United States of America. Such, my Lords, is my plan of pacification, to which no objection can be brought, but such as results either from misconception of the real interests of England or a too nice perception of personal interests. But before you decide upon this or any other plan, I would beseech you, my Lords, gravely and seriously to inquire into the benefit which you hope to derive from opposing the general wishes of the colonists, and then to set against this supposed benefit the real evils which you brave, by obstinately opposing yourself to the just wishes of our subjects. At this moment, every one of you must feel that war with the United States has been risked by this insane quarrel with our colonies. No greater calamity could happen to mankind than such a war, and yet have we heedlessly—may I not say criminally?—incurred the danger of it—

and for what? To maintain a wretched band of hungry officials in the possession of ill-used as well as ill-gotten power—to shelter a few peculating servants from the just indignation of their robbed and insulted masters. This, my Lords, is the real end of all our great expense, of all our loss of money, time, and blood—the magnificent object for which we have stayed all improvement in Canada, for which we now seek to outrage the feelings of the whole continent of America, for which we have already risked the chance of the most disastrous calamity which ignorance and wickedness combined could inflict on mankind! Is not this, my Lords, a magnificent requital for such a risk? And are we not, by our proceedings, exhibiting to the world a scene humiliating to the national character for sense, for honour, and generosity? To you, my Lords, as the supposed guardians of our ancient honour, I appeal to save us from this degradation and disgrace. The learned gentleman, after reading part of a protest, recommending conciliatory measures to be pursued towards the colonies, a protest which had been entered on their journals by some of their most illustrious ancestors, among whom he mentioned the names of the Duke of Richmond, the Duke of Devonshire, Earl Fitzwilliam, Lord Falkland, and Lord Ponsonby, concluded by stating that he would not trespass further upon their indulgence, but would reserve to himself the right of calling, at a future stage of the bill, evidence to prove the various facts which he had stated in the course of his speech.

Lord *Brougham* paid a high compliment to the distinguished power and ability with which the learned counsel at the bar had advocated the just claims of the Canadian people, while he had shown that the bill, suspending their constitution, ought not to pass into law. As the learned counsel proposed at a future stage of the bill to tender evidence in support of the allegations which he had just made, he thought that the best course for their Lordships to pursue would be to go at once into the Committee, and then, at a future stage of the bill, if their Lordships were so minded, they could hear the evidence which the learned counsel said he was ready to produce. Mind, he wished it to be understood as his opinion, that it was by no means a matter of course that such evidence should be heard at their bar. For his own part, he did not intend to offer any vexatious or harassing opposition to the Committee on the bill, though he differed in every respect, not only from the principle, but also from the details of it. He would, however, reserve any observations which he had to make upon it to a future opportunity, if he thought it worth while, which he scarcely thought it was, to trouble their Lordships with any further objections which he had to this measure.

The Earl of *Ripon* said, that in consequence of what had fallen from the learned counsel at the bar, he felt it necessary to trouble their Lordships with one or two observations. If this bill were right at all, it was so because the acts of the House of Assembly had *de facto* suspended the constitution of Lower Canada. Their Lordships were, therefore, compelled either to assent to this bill or to some other bill of a similar kind.

Their Lordships went into a Committee. The clauses of the Bill were agreed to without amendment, and the House resumed.

On the question that the report be received,

The Earl of *Aberdeen* observed, that there was a clause by which it was provided that this bill, when it was proclaimed by the governor of Canada, should immediately take effect. Now, he wished to know, whether it was intended that the bill was to wait for proclamation until the arrival of the Earl of Durham in Canada, or whether it was intended to give a discretionary power to Sir John Colborne, as acting governor, to proclaim it when he should think fitting.

Lord *Glenelg*, in reply, stated, that it was intended that Sir John Colborne should have power to carry the bill into effect before the arrival of the Earl of Durham in Canada.

Report received.

HOUSE OF COMMONS,

Monday, February 5, 1838.

MINUTES.] Bill. Read a second time:—Qualification of Members.

Petitions presented. By Sir G. STRICKLAND, from Barnsley, Yorkshire, against the Small Debts Courts Bill.—By Mr. WALLACE, from the Chamber of Commerce, Edinburgh, for Post-Office reform.—By Lord A. CONYNGHAM, from Canterbury, for the Ballot, Extension of the Suffrage, and Triennial Parliaments.—By Sir G. STRICKLAND, from Boroughbridge, Yorkshire, for the immediate abolition of Negro Slavery.—By Mr. WAKLEY, from Huddersfield, and other places, that counsel might be heard at the bar on behalf of the Glasgow Cotton-spinners.—By Sir R. Inglis, from Darlaston, Staffordshire, against the proposed suppression of the Bishopric of Sodor and Man.—By Lord Sandon, from Liverpool, against the Rating of Small Tenements Bill.—By Mr. Hume, from Middlesex, and two places in Devon and Suffolk, for Vote by Ballot.—By Lord Ebrington, from the Union of Roehampton, against any alteration in the principles of the Poor-law Bill.—By Mr. Baines, from a place in Yorkshire, for the abolition of Negro Apprenticeship.—By Mr. C. Buller, from Dissenters of Staffordshire and Pentonville, to the same effect.—By Mr. O'Connell, from the county of Cork, and the city of Dublin, against the Poor-law Bill for Ireland.

Banking.] Mr. *Hume* inquired whether the Government intended to renew the Committee, or take any measures with respect to the Bank of England?

The *Chancellor of the Exchequer* said, that in the course of next week he should propose the re-appointment of the Committee on joint-stock banks.

Mr. *Hume:* Will it be open for the Committee to inquire into the conduct of the Bank of England during the last eighteen months?

The *Chancellor of the Exchequer* said, that it certainly was not his intention to propose any question before that Committee the tendency of which would be to alter the arrangements deliberately entered into between that House and the Bank of England; at the same time he thought it would be impossible for the Committee to consider the state of banking generally throughout the country without taking into account a certain portion of the proceedings of the Bank of England, as connected with the circulation of the country.

Mr. *Hume* said, it was not his intention to propose any alteration in the agreement made with the Bank of England, but he wished to know how that agreement was to be carried out. He should therefore move, whenever the proposed Committee should be appointed, that the inquiry should be extended into the conduct of the Bank of England. He also wanted to know what was to be done with the Bank of Ireland, as the expiration of its charter was fast approaching?

The *Chancellor of the Exchequer* proposed to proceed with the inquiry on joint-stock banks before any measures should be be taken with regard to the Bank of Ireland.

Conversation dropped.

Duty on Linen in France.] Mr. *Baines* asked whether the Government had directed its attention to the alteration of the French tariff on linens and linen yarns?

Mr. *P. Thomson* stated, that as soon as the Government heard of the rumour of the intention to alter the duties on linens and linen yarns, no time had been lost in making representations at Paris against the proposed change; but from the communications made to him he was not led to hope that the decision which the French Government would come to on that point would be very satisfactory to himself or to the hon. Member (Mr. Baines).

Subject dropped.

Regulations for Steam Vessels.] Lord *Ebrington* wished to ask the President of the Board of Trade whether the attention of the Government had been directed to the recent loss of the Killarney steamer, and whether Ministers had any legislative measure in contemplation for the purpose of securing passengers against the risks to which they are constantly exposed on board Steam-boats as at present conducted?

Mr. *P. Thomson* said, the unfortunate accident to which the noble Lord had alluded, had occurred so recently, that the Government had not had time to investigate the circumstances attending the loss of the Killarney steamer. It was, however, a subject well worthy of the most attentive consideration, and it was unquestionably of the greatest importance to ascertain whether in regard to steam-boats generally some restrictions could not be made as to the quantity of live stock shipped on board those vessels, similar to those restrictions which existed in regard to other passage-boats.

Poor-Laws (Ireland).] Lord John Russell moved the Second Reading of the Poor-relief (Ireland) Bill.

Sir *Charles Style* said, that although he thought the Bill insufficient for the purposes for which it was intended, and was persuaded that it would impose heavy expenses, without corresponding advantages, yet he could not reconcile it to his conscience to withhold his support from it. Whatever faults there might be in the measure, sooner than that the poor of Ireland should remain in their present depressed and degraded state, he was prepared to adopt a measure even still more objectionable in its character. The first thing that struck him as objectionable in the Bill was, that one-half of the burthen was to be imposed upon a class of persons who were unable to support it, and who ought not in justice to be called upon to pay it. By this Bill persons in Ireland occupying land to the value of *5l.* a year were rendered liable to the payment of the amount of one-half of the poor-rate. Now, really, that was too hard, especially when the almost destitute state of persons who occupied a much higher station as tenants of land was considered. He was quite aware that it would be said that those persons would be relieved from the charge which at present devolved upon them; but that was a payment made by them voluntarily, a very different matter from being compelled to pay, under an act of Parliament which was to be carried into effect by a most extensive machinery. It was also different; because under this Bill the relief to the poor would be entirely left to the discretion of the poor-law guardians; it would rest with them whether the destitute poor should have relief or not; it rested with them to say whether they would grant relief to all, to some, or to none, of the destitute poor within their respective districts. The Bill expressly provided that the guardians of the different unions should have it in their discretion to make orders for the relief of the poor, as they should see fit. He, for one, was very apprehensive that these Poor-law guardians, or, in other words, the rate-payers themselves, the persons whose immediate interest it would be to curtail the relief within the narrowest limits possible—that these Poor-law guardians, speaking the voice of the rate-payers, would take a very limited view indeed of the number of persons who ought to receive relief under the provisions of this Bill. It was his opinion, therefore, that if it were really intended that this Bill should be what it professed to be—a Bill for the more effectual relief of the destitute in Ireland—that it should grant a right to such relief to such persons as were destitute and unable to support themselves; and also that the nature of that relief should be such as to make it practically applicable to the extent of the destitution which existed in Ireland. He would, endeavour to show that, by denying a right to relief, and by restricting the mode of administering relief, the Bill must prove inefficient as to its proposed object; and also that this Bill would be by no means efficient as a measure for remedying even in the slightest degree, the causes which created the destitution in Ireland, namely, the total want of employment by the people. Why, what was the Bill? It was a Bill that, perhaps, might be the means of affording relief to 80,000, or, it might be, 120,000 persons; and that altogether depended upon certain powers conferred on the Poor-law commissioners, and for raising a sum of money, by way of poor-rate, for the purpose of emigration. Such was the full measure of relief which it was proposed to bestow upon the destitute poor of Ireland. In forming his opinion on the subject he would not advert to the amount of the relief now given to the poor in Ireland, or to the number who received that relief. He had been told that in making a calculation upon such a basis the results would be quite erroneous, and would give an exaggerated notion of the amount of destitution in Ireland. He thought, however, that he should be justified in referring to the evidence and the information collected by the commissioners of inquiry into the state of the poor of Ireland. He knew it had been objected that those commissioners were mistaken in many of their calculations, and that their statement of destitution was exaggerated; but it was, nevertheless, indisputable that the distress which existed was most extensive, and imperatively called for relief. The poor in Ireland were without clothing; they lived in hovels that were totally unfit for any human being to breathe in; they were huddled together in crowds, and lay on the damp floor at night. Such was the condition of the poor in Ireland, and he should like to know what degree of human suffering further than that was required before it was thought expedient to give relief? If ever relief was necessary, the people of Ireland required it. There were nearly two millions of human beings in that country in the state which he had described. In his opinion, the present Bill would not operate in the slightest degree upon the cause of destitution; for it was not by shutting up two or three hundred thousand persons that any good could be effected, or that the social condition of the Irish peasantry could be improved. Employment was the only efficient and desirable remedy—employment which, while it administered to the physical wants of man, elevated him in his moral feelings. The Bill left the great evil which existed among the peasantry of Ireland without alleviation. The Irish peasant had at present no security for his miserable subsistence, unless it were the occupation of some wretched patch of ground. Now, the bill held out no right to such a person to claim relief, or no prospect of enjoying it; and, therefore, no feeling of security was created that he who received the relief would continue to obtain it; as the administrator of the law had the power of refusing it, even if he had the means of granting it to the fullest extent required. The consequence of it would be, that the fierce struggle for land which now existed to such a frightful extent in Ireland would continue unabated. Yet that was the real cause to which most of the barbarous murders and other crimes that were committed in Ireland and to which the insecurity of property in that country were mainly attributable. He would not occupy the time of the House by entering into statements to prove that this was the fact, for it was already well known to every one who was acquainted with the administration of the law in Ireland. It was a well established fact that there was scarcely a landed proprietor in Ireland who dared to make the slightest alteration whatever in the distribution of his property, without incurring the danger of raising an insurrection in the country around him. It appeared to him of the highest importance that they should without delay vigorously grapple with the difficulties which surrounded this question. In his opinion, with every sense of the difficulty of the undertaking, the only course was at once to place the landed proprietors in that position in which they would be compelled to find either employment or subsistence for the poor. They ought to be made to do that which they had so long neglected to do —to employ the great mass of labour which now existed in Ireland in a destitute state, and which might be so profitably employed. It had been objected to a poor-law bill for Ireland that it would absorb a considerable portion of the rental of the landlords. That would certainly be the fact if the landlords looked supinely on while the change was going forward; but if they applied themselves to the better cultivation of their estates, and to the breaking up of waste lands they would cause an increase of the means of subsistence, and would promote general benefit, of which they would be large participators. There was one part of Mr. Nicholls's second report which bore so strongly on this question that, with the permission of the House, he would read it. It related to a part of Ireland with which he was well acquainted, and he would vouch for its accuracy. The passage was as follows:—

"Nothing can exceed the miserable appearence of the cottages in Donegal, or the desolate aspect of a cluster of these hovels, always teeming with an excessive population. Yet, if you enter their cabins, and converse with them frankly and kindly, you will find the people intelligent and communicative, quick to comprehend, and ready to impart what they know. They admitted that they were too numerous, 'too thick upon the land,' and that, as one of them declared, 'they were eating each other's heads off'—but what could they do? There was no employment for the young people, nor relief for the aged, nor means nor opportunity for removing their surplus numbers to some more eligible spot. They could only therefore live on 'hoping,' as they said, 'that times might mend, and that their landlords would sooner or later do something for them.' Yet, with all this suffering, no disturbance or act of violence has occurred in Donegal. During the severe privations of the last summer, when numbers were actually in want of sustenance, there was no dishonesty, no plundering—the people starved, but they would not steal; and although their little stock of cattle and moveables have been notoriously lessening these last four years, and especially in the last year, which seems to have swallowed up nearly all their visible means, they have yet paid their rents—the occupier's share of the produce has been insufficient for his own support, yet the landlord's share has generally been paid in full; and I was assured by the agent of one of the largest proprietors that he had no arrears worth noticing."

He begged to ask how long it was thought desirable that the people of Ireland should remain in this miserable condition, while at the same time they were able and willing to work, and to earn their subsistence? An efficient poor law would certainly be in the end a pecuniary advantage to the landlords in Ireland, although it would no doubt be attended with some inconvenience in the first instance. Although he advocated a poor-law in Ireland on the most extended scale, he was convinced that auxiliary measures must be put in operation at the same time. He should vote for the second reading of this bill, and for its going into a Committee, with the greatest reluctance, and only because he had no alternative.

Mr. *Shaw* intended to support the principle of the bill by voting for the second reading; but he thought that the details of it would require many alterations and amendments in Committee. He did not agree with the hon. Baronet (Sir Charles Style) who had just sat down in the principle that the poor had a right to relief; nor did he agree with him in the proposition that relief should be given out of the workhouse. He thought that the principle upon which the bill ought to proceed was this: in-door relief to the aged and impotent, aided by increased facilities of emigration to the able-bodied. Neither this law nor any other that could be devised would be adequate to give relief to all who were in distress, or employment to all who were idle, in Ireland. The subject was one of a very complicated and difficult nature, and required to be very calmly and very carefully considered before any decisive measure were adopted. He did not feel that he should be justified in trespassing upon the patience of the House at that moment; but in a subsequent stage he should consider himself bound to state his opinions upon the bill at considerable length. Meanwhile, everybody, he thought, would feel that the question was one that ought not to be influenced by considerations of party. Every one, too, must be aware, now that the subject had once been mooted, that a law partaking something of the character of the present must certainly be adopted.

Mr. *O'Connell* agreed with one-half of what had just fallen from the hon. and learned Gentleman, and that was a great deal, he thought. He agreed with the hon. and learned Gentleman that if the Bill did not pass this year, as he (Mr. O'Connell) certainly hoped it would not, a measure giving some kind of relief to the poor of Ireland must some day pass. At the same time he did not see why it should be expected that the House of Commons should be unanimous in introducing Poor-laws into Ireland at all. Had he (Mr. O'Connell) been in London a few hours sooner, he should have felt it his duty to have trespassed upon the House at considerable length in stating his objections to the Bill now proposed; but as his arrival had been delayed, he should confine himself to one or two observations only in the present stage of the Bill, reserving himself until the proposition for going into Committee, when he should state his objections at length, and move that the Committal of the Bill be deferred for six months. He could not agree in the principle of any Poor-law as proposed to be applied to Ireland which should go beyond the extension of relief to the lame, the impotent, and the blind—those who from permanent physical causes were utterly incapable of labouring for their own subsistence. To that extent, and to that extent only, would he go in the introduction of a system of Poor-laws into Ireland. Any thing short of that he knew it would be ruin for him, in the present feeling of the House of Commons, to attempt to resist. But upon that point —upon the limitation of the relief to the objects he had named—h s determination was fixed and inflexible; and upon that point he would decidedly take the opinion of the House, even if he stood alone. He entertained a firm conviction that a poor country was never yet benefitted by a Poor-law. He believed that Ireland was too poor for a Poor-law. The distinction that was attempted to be drawn between poverty and destitution, although both certainly existed, excited something of the ludicrous when applied to Ireland. The sages who out of that House had laid the ground-work for the present measure admitted that there was more poverty in Ireland than in England; "but then," said they, "there is less destitution." There might be great merit in the phraseology employed to express that opinion; but how, in common sense, poverty should not be considered the mother of destitution it was impossible for him to explain, as he certainly could not understand. He entertained a full conviction that a measure like the present must entirely fail. The notion of having 100 workhouses, in each of which 800 persons were to be boxed up and imprisoned for the benefit of their health, the fattening of their bodies, and the increase of their moral feelings and tenderness by the separation of husband and wife, was absurd and ridiculous. There never was a country so utterly unfitted for the introduction of such a system of Poor-laws as Ireland. Mr. Nicholls need not have gone to Bristol, to Liverpool, and to Manchester, to ascertain whether the Irish were reluctant to receive relief administered in the form proposed by this Bill. Every body who knew any thing of Ireland would have told him that the Irish people would rather remain in a state as near as possible akin to actual starvation than be admitted to the enjoyment of workhouse food at the cost of personal liberty. He had trespassed further than he intended upon the patience of the House; his only object in rising was to intimate his intention, in the next stage of the Bill, of proposing, by way of amendment, that it be deferred for three or six months.

Mr. *Gibson* rejoiced that there was at least one Irish question upon which all sides of the House were agreed, and he regarded the present discussion as an omen of better days for his unhappy country. Before they proceeded, however, to legislate on a measure which was of such paramount importance as this, and which was pregnant with consequences of such a vital nature, they ought to inquire if they had sufficient data to proceed upon. He denied that they had such data, and he impeached in particular the report of Mr. Nicholls. That gentleman had stated that the number of poor that would require relief in Ireland would be only 80,000. He (Mr. Gibson) could not believe it. Would it were true! From his experience of the state of the poor in Ireland, he believed that that was only a fraction of the number that would require relief. The House could not proceed to legislate with confidence on this subject upon such data as the report which had been laid on the table of the House contained. Upon that report the Legislature ought to place no reliance, for it really furnished no data upon which Parliament could efficiently legislate. He denied that 80,000 would be the highest number that would require relief, and the system was calculated to pauperise the middle classes in Ireland, upon whom the burden of contributing to that support would fall. The principle of this Bill was repugnant to the feelings of the Irish poor man, who would never consent for a paltry subsistence in the workhouse to a separation there from the wife of his affection, and the children of his love. He had a further objection to this Bill, on the ground that it excluded any provision with reference to the law of settlement. Though he was ready to admit, that in this country the law of settlement had been much abused, and had led to considerable expense, still some provision with reference to that subject ought to be made for Ireland, or the Bill would be the acme of injustice. On these grounds he objected to the introduction of the proposed law, and would say it would be better to leave Ireland alone, and rely on the natural course of events, from which even Mr. Nicholls admitted that improvement within the last fifty years had ensued; and he believed, that if equal and impartial justice were done—if there was not one law for the rich and another for the poor—more happiness would be produced than could possibly flow from a measure of the kind now under the consideration of the House. On these grounds he could not assent to the principle of the Bill, but, coerced as he was by the opinions of others, he should not oppose its second reading, but should watch with minute attention its progress through the Committee.

Mr. *James Grattan* said, in his judgment the present measure was the best ever introduced for the improvement of the condition of Ireland. He trusted her Majesty's Government would keep the Bill in its present shape, with the exception of the clause relating to emigration. He thought also that the relief ought to be confined to indoor relief, as by increasing the various modes of relief the object of the measure would be wholly destroyed. With these alterations, and by the omission of the emigration clause, the Bill would be a blessing to the country to which its operations were directed. The hon. Member who had spoken last had said leave Ireland alone; but that would never do when it was notorious that the assassinations, agrarian combinations, and outrages—all were to be traced to the state of destitution which, unhappily, generally prevailed in Ireland. The establishment of boards of guardians would of itself be productive of great good. The noble Lord below him (Lord Morpeth) was entitled to great praise for the mode in which he had brought the Bill forward, and he trusted that the Government without vacillation would carry it through in a bold, manly, and straightforward manner.

Mr. *Wrightson* said, that having some years ago been engaged as a commissioner to inquire into the state of the poor in Ireland, he hoped to be permitted to express his opinion on the present measure. Undoubtedly the Government had taken great pains in the matter; they had consulted persons of high attainments upon the subject, and the result was the Bill now on the table, the great objection to which was that part which involved the public with a degree of liability with regard to the great mass of the labouring classes of the people. He thought that liability to be of a very injudicious character. The classes of people who were to be entitled to relief ought to be specified, and when the Bill was in Committee, he should feel it his duty to propose amendments to attain that object, and to confine relief to the lame, blind, and impotent, following as near as possible the words contained in the statute of Elizabeth. and to exclude from the provisions of the Bill young healthy men who were able to earn their own livelihood.

Mr. *Poulett Scrope* begged to ask the hon. Member who had just sat down, if it was not the young men of Ireland who formed agrarian combinations, and committed murders and outrages in consequence of not having the means of subsistence? and if so, what answer would the hon. Member give to such young men, when, though in a state of starvation, the workhouse was not open to them? He was disposed to give his support to the present Bill. He approved of what had fallen from the hon. Member for Wicklow in the latter part of his speech. He certainly thought that this was the most important measure by far which had ever been introduced for the pacification of Ireland. He believed that it would raise that country from a position the most miserable and the most disgraceful of any nation on the face of the globe to one of the most prosperous that could be imagined. On the whole he agreed most completely with the general principles of the Bill. He did hope, however, that the Government would not erase the clauses which related to emigration. He was far from thinking that too many avenues could be opened for employment. It was, in his opinion, desirable to have as many strings as possible to their bow. Ireland was in a situation of great embarrassment, and it required extraordinary efforts to meet extraordinary circumstances. The more means they took to assist the practical operation of the Bill, in providing employment for the poor, the better. He regretted that there was not some measure carried on in conjunction with this Bill which would promote its operation, such as an extensive system of public works. He believed that a great pressure on the board of guardians would be the result, and that great numbers of able-bodied men would be unable to obtain work. He trusted, therefore, that Government would do something to relieve the guardians from this difficulty. There was some prospect last Session of employment from public works forming an adjunct to this measure, and he hoped that it would not be lost sight of by the Government, and that the House would endeavour to open as many doors as possible to the employment of the poor of Ireland, as the best and most effectual method of giving real relief.

Mr. *Hindley* observed, that it had been said that this was not a party question. He wished it were a party question, for it would then be better for the poor of Ireland. They would then have had both sides of the House richly clothed; but because the poor of that country had no party in that House, hon. Members could say this was not a party question, and both sides of the House could agree to oppress them. He could not concur with the hon. and learned Member for Dublin in that a Poor-law was not necessary for Ireland. On the contrary, he thought it highly necessary, and therefore if he expressed the very strong objections which he felt to the measure in its present shape, he hoped the House would not infer that he was opposed to the principle of a poor-law generally. He had no objection to the machinery of this Bill, or to a board of guardians, but would the hon. Member for Wicklow call this a good Bill; when it contained a clause which dried up entirely that source of relief for destitution which as yet had never failed the poor of Ireland—he meant the charity of their countrymen. What did this Bill propose to do? In a country containing 2,000,000 of beggars, it was proposed to pass into law a clause which provided that every person begging or gathering alms, or placing himself for the purpose of begging or gathering alms, or placing any child to do so, should be committed to the house of correction, there to be kept to hard labour for any period not exceeding one calendar month, and for a repetition of the offence he was to be imprisoned for any period not exceeding three calendar months. Any person might apprehend the offender, and a justice of the peace might issue his warrant on suspicion, and then any person when in the last hour of destitution he cried to his fellow-man for relief, and had found a heart to assist him in his distress, might have the money taken from him and applied to defray the expense of conducting him to gaol, and of keeping him there. Did they live in a Christian land? Did the 43rd Elizabeth introduce any vagrancy clauses? This was called a bill for the more effectual relief of the Irish poor. If it deserved that title, did the House think that the Irish poor would not avail themselves of it? Did they suppose that they would beg a precarious subsistence from the hand of charity if they were properly treated in the workhouses of the noble Lord? He felt that if this clause were pressed, they would inflict as great an injustice on the people of the north of England as on the poor of Ireland. What would be the consequence? They would drive the poor of Ireland from that country to this. The principle upon which relief was to be afforded was this, that the treatment of the poor under the workhouse system, must be worse than the subsistence which they might earn by their labour out of it. Now, what was the food on which the poor of Ireland lived? Potatoes and buttermilk. Their workhouse system, then, must provide them with worse food than this. But the Government said to the poor, "You shall not have recourse to private charity, but you shall be imprisoned in the workhouse, and fed on fare worse than potatoes and buttermilk, or else we will drive you from the land." They would then come to the north of England, they would compete with the labourers there, who were not accustomed to live on potatoes and buttermilk, and what would be the results of that competition it was not difficult to foresee. They would also apply to the manufacturers, and that would increase the distress which already prevailed there. He trusted that this clause would be struck out of the Bill.

Lord *Clements* was sure, that the hon. Member who had just sat down, would himself, on reflection, condemn the intemperate language which the House had heard from him. The speech of the hon. Member was, he must say, more suited for the Committee than for the present moment. He was himself disposed to think that the mendicancy clauses had better be omitted. If reasons were given to satisfy him that they ought to be retained, he should be glad to see them form part of the bill, but he thought this was not the present time to discuss that question. In reference, however, to the observations which had fallen from the hon. Member in the beginning of his speech, he must say, that it was very unfair in him to say that both parties in that House had agreed to oppress the poor of Ireland. He would assert that but one feeling prevailed in the House, and that was anxiety to remedy their condition. He should not have ventured to rise on this occasion, but that he wished to make one remark, which he begged to do with great respect and deference to the noble Lord, the Secretary for the Home Department. He thought it desirable that the noble Lord should, on going into Committee, lay before the House a more general view than he had hitherto done of the way in which he would recommend that the discretion given to the Poor-law Commissioners should be acted on. He himself approved of the powers which were vested in the Poor-law Commissioners, but no explanation had yet been given of the way in which they were to be exercised, and he believed that much of the dissatisfaction with the measure which prevailed in Ireland took its origin in the misapprehension which existed with respect to the nature of those powers. The present was a question of much complication; there was the question of the formation of unions, the question as to the size of the unions—whether the system was to be tried first in one part of Ireland, or whether it was intended that its operation should be simultaneous, which he thought would be found impracticable. If, therefore, the noble Lord, would give the House some explanation, not of the details but of the principles on which the discretion of the Poor-law Commissioners was to be exercised, he thought that it would soften the feeling of hostility with which this measure was regarded in some quarters.

Mr. *William Roche* said, that having but that moment arrived from Ireland, he had no opportunity of hearing the arguments and opinions adduced during the present discussion; but, nevertheless, he could not forego the occasion now presented of expressing his conviction that it was high time to extend to Ireland a system of protection for its poor; and that he was more disposed to regret that circumstances should have prevented its commencement at a much earlier period, than to quarrel with its adoption now; convinced as he was that if adopted some years ago, and therefore now in active and mature operation the condition of the Irish people, and the face of that country would present a much more gratifying aspect. Few opposed the measure on principle, and therefore, the sooner they came to the details and thereby expedited practical proceedings with a view to arrive at the test of experience, the sooner would they be enabled to discover faults, if any, and to smooth down difficulties. Difficulties no doubt must attend the maturing of every new measure and extensive change; but that he was quite sure so soon as the machinery was made by practical knowledge and experience, to work with ease, the measure would be found to be one most salutary and beneficial to all classes of the community. Nevertheless, no one felt more than he did that it was only a beginning and a fragment of what was due to Ireland, and necessary to remove the impediments and to call forth the sources of her prosperity—sources in which no country more abounded, but which from various causes, moral and political, had been grievously neglected, if not disregarded. Yet he considered this measure a most indispensable first step, and a sure foundation upon which to build future exertions, and if they allowed themselves to be deterred by seeming difficulties they might as well abandon it altogether, for whenever undertaken, those difficulties would have to be encountered. Therefore the sooner they began the nearer they would be to the disembarrassed advantages of that measure, and he could not allow speculative fears or doubts to retard even a mitigation of the mass of misery which so long and still pervaded the poorer classes of Ireland, and which must needs be so prolific of disorder and disturbance. Then in regard to its expense he trusted they would find it not so serious as might be apprehended; for a little before he left Limerick (the city he represents) he visited one of the principal asylums for the poor there, called the House of Industry; where he saw 400 to 500 poor fellow-beings, healthfully and gratefully fed and lodged, (though from want of adequate space rather crowded together), at the trivial expense of about *3d.* each per day; very much owing indeed to the zeal and benevolence of a respected fellow-citizen, who so charitably and gratuitously superintended it. In fine he was disposed to strongly hope that when a short period of practical operation and experience smoothened down obstacles, and disclosed the proper remedies, this measure would be hailed and acknowledged as one most salutary and beneficial, but to render it so assuredly required the most rigid scrutiny of its details, both as regarded such a measure in general and in reference to the peculiarities of Ireland in particular.

Lord *John Russell* certainly could not agree with the hon. Member for Ashton, who seemed to think that the House must intend to oppress the poor because there was an agreement between both parties to pass this measure for their welfare. The hon. Gentleman seemed to think that we ought to go back to those times when beggary was generally permitted, and when it was considered to be rather a merit than otherwise that the whole country was overrun with troops of mendicants. The hon. Gentleman seemed also to think that at present the law permitted vagrancy in Ireland. But so far from that, as the law now stood, vagrants might be transported. The hon. Member, therefore, was mistaken in supposing that this bill introduced for the first time a punishment for vagrancy. The Government thought that the law of Ireland pressed too severely on this offence, and they therefore proposed that it should be visited by a lighter punishment. The feelings of mankind would not go along with the law unless the law were consonant to general justice. It was the practice of the law in England, that while with one hand we offered relief to destitution, if it were not accepted, with the other we inflicted punishment for vagrancy. But while the law of Ireland punished vagrancy most severely, it gave destitution no relief. The Government, then, proposed to place the law on a more just footing, and while vagrancy was not to be permitted on the one hand, on the other relief would be given to the poor. He must say that it appeared to him that this arrangement was consonant with the principles of general justice. This was the general principle on which any poor-law should be founded. He knew no country in which it was not the duty of the state to relieve destitution, and punish vagrancy. But when they relieved the destitute, they should also take care to provide that no abuses should take place; and if any hon. Member should be of opinion that the hardships which would probably arise in individual instances from the establishment of the principle of a test of destitution would outweigh the advantages to be derived from its adoption, that hon. Member would be bound to oppose the Bill. He must observe that numerous cases had been proved to have occurred under the operation of the English Poor Law Act, and were equally likely to occur elsewhere, where persons not really destitute preferred the idle mode of subsisting by receiving parochial relief without work, rather than support themselves by the wages of industry. If he were asked to specify a recent instance of this description, he could point to a letter which had appeared in the public newspapers two or three days since from a person who signed himself a "Market Gardener," in which the public was cautioned against giving relief to persons going about and describing themselves as market gardeners out of work. The writer of this letter stated that if these persons chose to work, there was employment for them, but that, in point of fact, they had left their work of their own accord, so tempting a thing was it to them to live on the charity of the public. To abuses of this description the charitable institutions of every country were liable. And if they established by law a system of relief, without identifying with it some test of destitution, they would run a great risk of turning men, who might otherwise be laborious and useful members of society, aside from the paths of industry. For these reasons he had arrived at the conclusion that some test of destitution there should be, and that which appeared to be the best practical test, was the workhouse, established upon the principle that no person should receive relief outside it. He was not prepared to say that in Ireland particular circumstances might not exist which might call for some modification of this principle. He was not prepared to say that in Ireland there ought to be no relief except in the workhouse. Neither did he say, that there might not be some other test framed; but that the principle must, he believed, at least with certain limitations, be adopted. He was glad to find that the right hon. and learned Gentleman (Mr. Shaw) approved of the principle of the Bill, and would give it his support. The details would of course all form the subject of consideration in Committee. His noble Friend near him had made some observations as to the mode in which the commissioners were to proceed in working out the details of the Bill. He did not exactly understand the point to which the noble Lord alluded. If there was any point upon which he was desirous of being informed as to his (Lord J. Russell's) intentions, he should be happy to explain to the noble Lord. This much he would observe generally, that in carrying into effect the details of the Bill, much must of course be left to the discretion of the commissioners. He was happy to find that no serious opposition had been made to the second reading of this Bill. And from what had fallen from several hon. Gentlemen, he belived that the House was disposed generally to adopt some Bill of this description; and, without entertaining the extravagant expectations in which some individuals had indulged, as to the benefits which the people of Ireland would derive from this Bill, he would express his belief that it would tend very much to improve their condition.

Bill read a second time.

Parliamentary Electors and Freemen Bill.] The Order of the Day for going into Committee upon this Bill having been read upon the motion of Lord J. Russell,

Mr. *H. Hinde* rose, pursuant to notice, to move that the Bill be divided into two Bills, the first referring to the 10*l.* household voters, and the other referring to the freemen. It had been said by the noble Lord opposite, that, in conceding a boon to the freemen of this country, it was proper that a boon should also be conceded to the 10*l.* householders. With that part of the subject, however, he had nothing to do. But he would observe that the noble Lord having been, as he might say, compelled to grant this boon to the freemen when the hon. Member for Coventry brought forward this subject last year, he had determined to grant it with the worst possible grace. For coupling it with another boon to the 10*l.* householders, in remitting to them a portion of their taxes, he adopted the most effectual means of insuring its rejection in the other House of Parliament. Having treated this subject at considerable length before, he would content himself with expressing a hope that the House would support him in his present proposition, which was for the separation of two subjects which were totally distinct, and rested upon entirely different grounds.

Lord *J. Russell* said, that he had stated upon a former occasion the grounds upon which it had been judged proper to unite these two subjects in the same Bill. He could not say, that the hon. and learned gentleman had convinced him by any of the reasons which he had advanced, that he was wrong in adopting that course. He therefore thought that the House should pass into Committee upon the Bill as it stood at present.

Colonel *Sibthorp* said, that when this subject was last before the House, he had stood forward for the purpose of vindicating the honest freemen of England from the charges of the hon. and learned Gentleman opposite, her Majesty's Attorney-General, who had thought fit to designate them "the curse of the country." He was happy again to have the opportunity of standing forward boldly in behalf of those injured individuals whose character he was ever ready to defend. The two points which formed the subject of the present Bill appeared to him to be totally incongruous; and, for his part, he never would become a party to any such unjustifiable and underhanded trick. He certainly would not commit himself by giving his sanction to any Bill of this, he was going to say, nefarious description.

Sir *Adolphus Dalrymple* could not support the proposed separation, because he was anxious to effect both the objects of the Bill. The rate-paying clauses of the Reform Act he considered to operate merely as a help to the tax gatherers, and in many places most distressing circumstances took place in consequence of their strict enforcement. In the borough which he represented it was the custom of the overseers and collectors of taxes to sit up till twelve o'clock at night on the 20th of July to receive the taxes; and their strict payment entailed, therefore, considerable hardships on the public officers, as well as upon the rate-payers themselves. The interval between the 5th of April and the 20th of July was a period during which many persons were frequently away from home, it was inconvenient for them, therefore, to pay the taxes, and these persons on their return very frequently found themselves disfranchised. Another objection which he entertained to the system as it stood was, that it made the collector of poor-rates a political person, for he had the power on the 15th or 16th of July of going round to his political friends, telling them that their taxes must be paid before the 20th, or they would be disfranchised; he postponed his call upon his opponents, who being ignorant of what was required, lost their votes. He thought, therefore, that the Bill should pass without alteration, as he did not consider it as changing any part of the principle of the Reform Act, but only as an amendment on some of its details, which had been found to work badly.

Mr. *Praed* could not see the propriety of mixing up one part of the Bill with the other, and thus making them stand or fall together. The principle involved in the two parts was entirely different. The stamp duty on the admission of freemen was imposed only for fiscal purposes, and had no reference to their right to vote; and even during the discussion on the Reform Bill not one word was said on the necessity for this payment. Up to that time the admission to the freedom was the means of acquiring several pecuniary privileges, and the right to vote was only an incidental advantage. These pecuniary privileges had since been taken away, and all that remained of the right for which they had to pay the stamp-duty was the exercise of the elective franchise, for which they ought not to be made to pay. With the ten pound householders, however, the case was different. They had a right conferred upon them by the Reform Act subject to the performance of certain conditions, and if the House altered or repealed these conditions the Reform Bill would be altered, and with many persons this circumstance alone would be a sufficient reason for rejecting the Bill. The noble Lord had said that if a boon were given to one class he would give another boon to the other class; both the freemen and the ten pound householders, however, disclaimed the receiving of any such boon. If it were for the public advantage let their demands be granted, but let it not be described as a boon. If, it were meant as a boon to the freemen how could they expect that it would proceed from the Ministerial side of the House, on which sat the noble Lord who had already denounced the freemen, and the hon. and learned Gentleman who considered them so great an evil? He (Mr. Praed) saw no reason why the Bill should not be divided into two parts, and why the House should not decide separately on the merits of each; and he should therefore vote for the motion of the hon. Member for Newcastle.

Mr. *Maclean* objected to proceeding with the Bill. If it were proposed on the ground of fraud on the part of the overseers, he could understand it, but none such was alleged, and the House was left entirely in the dark as to the reasons for proposing the measure. If it were correct to relieve the Parliamentary electors, why did they not make it more extensive and let it apply to voters under the Vestry and Corporation Acts, in both of which Acts payment of rates formed part of the qualification? He objected also to the introduction of a series of changes without the reason for them having been unfolded by the leader of that House; and unless good grounds for this measure were brought forward, he hoped that it would be rejected on the third reading.

The House divided on Mr. Hinde's motion:—Ayes 68; Noes 158: Majority 90.

List of the AYES.

Acland, T. D.
Arbuthnot, hon. H.
Attwood, W.
Bailey, I.
Baillie, Colonel
Baker, E.
Barrington, Viscount
Bateman, J.
Bell, M.
Bentinck, Lord G.
Blackstone, W. S.
Blair, J.
Blennerhasset, A.
Burr, H.
Canning rt. hn. Sir S.
Chapman, A.
Chute, W. L. W.
Creswell, C.
D'Israell, B.
Eaton, R. J.
Ellis, J.
Fitzroy, hon. H.

Forbes, W.
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, W. E.
Gordon, hon. Captain
Gore, O. W.
Grimsditch, T.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W.A.C.
Hughes, W. B.
Johnstone, H.
Jones, T.
Kemble, H.
Knatchbull, hn. Sir R.
Law, hon. C. E.
Lockhart, A. M.
Logan, H.
Lowther, hon. Col.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Marton, G.
Maxwell, H.
Milnes, R. M.
Parker, T. A. W.
Perceval, Colonel
Peyton, H.
Planta, right hon. J.
Plumptre, J. P.
Praed, W. M.
Pringle, A.
Rickford, W.
Round, C. G.
Round, J.
Sandon, Viscount
Shaw, right hon. F.
Shirley, E. J.
Sibthorp, Colonel
Stuart, H.
Vere, Sir C. B.
Villiers, Viscount
Whitmore, T. C.
Wood, T.
Wynn, right hon. C. W.

TELLERS.

Hinde, J. H.
Maclean, D.

List of the Noes.

Adam, Sir C.
Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Baines, E.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Buller, E.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir J.
Cayley, E. S.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Colquhoun, Sir J.
Conyngham, Lord A.
Craig, W. G.
Crawford, W.
Crompton, S.
Curry, W.
Dalmeny, Lord
Dalrymple, Sir A.
Dashwood, G. H.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. T.
Dundas, Captain D.
Easthope, J.
Ebrington, Viscount
Elliot, hon. J. E.
Ellice, E.
Erle, W.
Evans, Colonel
Evans, G.
Fielden, J.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, rt. hn. R.C.
Finch, F.
Fitzroy, Lord C.
French, F.
Gibson, J.
Gillon, W. D.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Grote, G.
Hall, B.
Harland, W. C.
Hawkins, J. H.
Heathcoat, J.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Howard, F. J.
Howard, P. H.
Hume, J.
Humphery, J.
Hutton, R.
Ingham, R.
James, W.
Jervis, S.
Lambton, H.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Macleod, R.
Mactaggard, J.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. J.
Molesworth, Sir W.
Morris, D.
Murray, rt. hon. J. A.
Muskett, G A.
Nagle, Sir R.
O'Brien, W. S.
O'Connor Don
O'Ferrall, R. M.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Gaptain
Pendarves, E. W. W.
Philips, M.
Philpotts, J.
Poulter, J. S.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Roche, W.
Russell, Lord John
Russell, Lord G.
Salwey, Colonel
Sandford, E. A.
Scholefield, J.
Scrope, G. P.
Somerville, Sir W. M.
Stanley, W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, V.
Strangways, hon. J.
Strickland, Sir G.
Style, Sir C.
Talbot, J. H.
Tancred, H. W.
Thornley, T.
Tracy, H. H.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Wakley, T.
Walker, C. A.
Wallace, R.
Warburton, H.
Westenra, hon. H. R.
Westenra, hon. J. C.
Whalley, Sir S.
White, A.
Williams, W.
Wilshere, W.
Wood, C.
Wood, Sir M.
Wrightson, W. B.
Yates, J. A.

TELLERS.

Stanley, E. J.
Rolfe, Sir R. M.

The House resolved itself into a Committee on the 1st clause.

Mr. *T. Duncombe* rose to introduce an amendment, which, as he thought, would be a great benefit. He proposed to leave out the last two lines in the first clause, "except such as shall have become payable from him previously to the 11th day of October in the preceding year." The effect, if the omission which he suggested were adopted by the House, would be to enact that, after the passing of that Act, no person should be required, in order to have his name retained in the list of voters for any city, town, or borough, in England, for any year, to have paid any poor-rates or assessed taxes. This was a simple and summary mode of repealing the rate-paying clauses of the Reform form Act. It was for the House to say whether the clause should be repealed, or whether the remedy which he proposed was not preferable to the homœopathic provisions of the Bill. Motions to the same effect had already been brought forward in the House, which for a considerable time had been generally rejected, but at the same time they were gradually more favourably received, and at length one which he had introduced to the House in the year 1837 was carried by a majority of eleven. Some observations had fallen from an hon. Member opposite that the more respectable classes of society were those by whom the rates were more generally paid, but he was prepared to say, that this was not the case, for in the parish of St. George, Hanover-square, which was well known as the most aristocratic parish in London, containing most of the fashionable streets and squares, there were 5,144 persons rated, and who would be entitled to vote, but of whom twenty-two only had paid their rates. This at least showed that it was not always the disreputable portion of the community who were negligent in this respect. The clause completely reversed the order of things, for it not only required the electors to be taxed, but it also required that they should have paid the tax before they could vote for the representatives that were to be empowered on the principles of the constitution to impose taxes on them. He did not see why it should apply to 10*l.* householders, and not to tenants of the yearly value of 50*l.* who had votes for the counties, and he knew that many 50*l.* tenants had expressed their wish that the principle should apply to them, because they could then disfranchise themselves if they chose, and relieve themselves from the unpleasant situations in which they were frequently placed. When the noble Lord proposed the Reform Bill he told them that they were to have 500,000 additional men called into electoral existence in Great Britain, of which London was to have 95,000; whereas it had at present but 47,000. It was thrown out also by an hon. Member opposite that the Bill would not be well received elsewhere. He believed it would not; but if the House adopted his amendment, it would have the effect of showing to the public the opinion of the House; and he was persuaded that if the noble Lord would adopt his amendment he would have the public feeling very much in his favour in consequence. Therefore, he sincerely hoped that the noble Lord would adopt the amendment, which hew as convinced would give universal satisfaction to true Reformers. The noble Lord would then be able to send the Bill to the other House with the greatest satisfaction, and with the greatest confidence in the effect which it would produce in the public mind.

Lord *John Russell* had only to say, that the proposition of the hon. Member was far wide of the alteration which he proposed—an alteration which was originally suggested by the hon. and gallant Member for Westminster. He proposed it on the ground, which he considered a just one, of punctuality in the payment of the rates year after year. It often happened that persons failed in paying those rates at the necessary time for entitling them to be placed on the register, and, therefore, said the hon. Gentleman, was it that persons to whom the Reform Bill intended to give the franchise were by this provision prevented from exercising it, although every person admitted that those were the persons for whom the Reform Bill was chiefly intended. But the hon. Member's proposition now was, that the franchise ought to be given to persons for whom the Reform Bill intended it. The Reform Bill adopted the principle established in the constitution of this country respecting scot and lot voters, that the payment of the rates should be looked upon as the criterion of their solvency. The hon. Member wished them to extend the franchise to those who did not pay taxes, and who gave no test of solvency, a proposition consequently differing from the Reform Bill, and one in which he could not therefore agree. It would be in fact, to admit that the Reform Bill, and the ancient constitution, were altogether wrong, and that insolvency and beggary were no obstacle to the exercise of the franchise.

Mr. *Warburton* would ask why householders should be required at all to prove their solvency, and why a rule should be applied to persons resident in England which was not applied to electors in Scotland. He was prepared to vote for the amendment of the hon. Member for Finsbury, but he would go farther than that hon. Member; and he was sure that if the hon. Member would propose a regulation for England similar to that which existed in Scotland he would succeed. He really hoped that some hon. Member would put a motion to that effect on record, in order that the opportunity of exhibiting the opinion of the House to the public might not be lost.

Mr. *Clay* said, that before the passing of the Reform Act, the qualification of voters was on a far different footing from that which now existed, and the House had then adopted a pecuniary qualification; but he did not think that that should be used as a means of enforcing payment of taxes, and he thought it would be better to repeal or modify that section of the Reform Bill, which had a rather larger influence than had been originally thought. He said this because he was one of those who was disposed to take his stand on the Reform Act, and he stated distinctly that he did not think it advisable to extend the elective franchise to others besides those mentioned in it. The pecuniary test was that which it had been chosen to assume, and he believed that it had gone far enough, and he was entitled to demand that the whole of the class should have the elective franchise. Bribery and corruption, it was complained, had hitherto been practised, but he thought that the proposition of the hon. Member, if adopted, would give it one more opportunity. He concluded by declaring his intention to support the noble Lord.

Colonel *Evans* said, he believed the Bill to be an extremely useful amendment of the Reform Act, and he sincerely thanked the noble Lord for the amendment which he had introduced. At the same time however, he could not but express his intention to vote for the motion of the hon. Member for Finsbury, which was only consistent with the view which he took during the passing of the Reform Bill.

Mr. *Hume* was prepared to say that much mischief had hitherto proceeded from the system at present acted upon, for during the last Westminster election but one he saw some dozen persons who were prepared to vote for Mr. Leader if the committee would pay their taxes; but he had reason to believe, that their votes were eventually secured by the Conservative candidate. When the clause in the Reform Bill referring to scot and lot voters was before the House, it was predicted that this would be the result, and it was the result; and he thought that the noble Lord was bound to complain of the Reform Bill. His object in passing that measure was not to have any constituency consisting of less than 300 voters, but he must now be well aware that there were forty with less than that.

Lord *J. Russell* said, that he was astonished at the statement just made by his hon. Friend, the Member for Kilkenny. It was well known that one of the purposes of the Reform Act was to remove the species of temptation to which the electors just mentioned were presumed to have been exposed. If there had not been such a provision as there was in the Reform Act, the temptation to electors to ask the committees of candidates to pay their taxes would have been great; but according to the Reform Act, before they could vote, their names must be on the registry, and before those names could get there, the parties, antecedently to a certain day in July, must have paid all the taxes due previous to the preceding 5th of April. He could not, then, conceive how electors of Westminster came to a candidate's committee asking them to pay their taxes. Not being on the register how could they expect to vote, and they could not be on the register if they had failed to pay their taxes. He was glad, then, that his hon. Friend the Member for Kilkenny had not been imposed on by persons thus pretending to be electors. His hon. Friends, the Members for Bridport and for Finsbury had complained that towns and counties were not placed, with respect to the right of voting, upon the same footing, appearing at the same time to complain of that as an instance of inconsistency in him (Lord J. Russell). To this he had but one reply to make, namely, that he had never undertaken to do any thing of the sort. In the Reform Act no general uniformity of principle was proposed in the modes of voting for counties and cities. Electors for counties were presumed to possess an estate in land, and no other test of their solvency was required. As to those who claimed to vote under the 50*l.* tenant-at-will clause, there might, perhaps, have been no objection to their payment of rates and taxes being required as a qualification, and, in fact, he considered that a provision for that purpose ought to have been introduced. While he was upon this part of the subject he begged to observe that his hon. Friend, the Member for Kilkenny, had voted for that 50*l.* tenant-at-will clause, and that none of the Government did. His hon. Friend, the Member for Bridport, used another argument in favour of the proposed amendment, on which he wished to make an observation. His hon. Friend contended that the Scottish elector was not bound to prove the payment of rates; so far from that being the case the Scottish Reform Act provided that electors should prove the payment on or before the 20th of August in the year in which the act was passed, and on or before the 20th of July in all future years, of all rates and taxes which fell due before the 6th of April preceding. How, then, his hon. Friend could say that the Scottish Reform differed from the English Reform Act appeared to him incomprehensible. He believed that if he had thus called attention to the clause of the act to which his hon. Friend referred, it would have been supposed that there really existed a substantial difference between the two acts.

Mr. *Warburton* said, in explanation, that when the names of the electors were once on the register, it never after became necessary for them to prove the payment of rates and taxes.

Mr. *Gillon* said, it had been ruled that the non-payment of rates and taxes formed no valid objection to the right of voting. He thought his hon. Friend, the Member for Bridport, had used his argument fairly enough, and was right in his facts. As to the amendment of his hon. Friend, the Member for Finsbury, it should have his cordial support.

Mr. *Baines* approved of the principle of the Bill, but he contended that its operation ought to be extended. By the Bill as it at present stood, the extension of the time for the payment of rates and taxes, applied only to persons whose names were already upon the register of the past year, and not to those who claimed in virtue of their occupancy to have their names inserted upon the register for the first time. This was a distinction unknown to the Reform Act, and he hoped the noble Lord would extend the time for the payment to the 11th of October in the preceding year, as well to those names which were not in the former register as to those that were inserted in that register. He might mention, to show the importance of this alteration, that in the borough which he had the honour to represent there were upwards of a thousand names claiming to be registered in the last revising barristers' court, not one of whom could have availed himself of the benefit of this Bill if it had then been passed into a law. Nothing could be more detrimental to the Reform Act than to grant the privileges under it partially or parsimoniously.

Sir *S. Whalley* supported the amendment, and referred to the opinions expressed by the right hon. Baronet, the Member for Tamworth, and the right hon. Gentleman, the Member for Montgomeryshire, during the debates on the Reform Act. Their opinions, he had no doubt, would have more weight with the House than any thing he could urge. The former said, that the clause which the hon. Member for Finsbury sought to amend would open a wide door to bribery and corruption—that strong temptations would be held out to electors to invite candidates to pay their rates and taxes, and the result, he had no doubt, would be that purity of election must be impaired to a greater extent than before. The right hon. Member for Montgomeryshire stated, that he had long been resident in London—that he never was called on in July for the rates due in April, and he thought it would be hard if he happened to be out of town and neglected to pay his rates that that circumstance should deprive him of the right of voting. He was sure that the effect of the clause must be to disfranchise hundreds of thousands of electors. It was also material for the House to recollect, that Sir Charles Wetherell, in the same debate, had contended, that the people would not find the 10*l.* qualification any great boon, when it was fettered with this restriction. He hoped, then, that the noble Lord would reconsider his measure, and take the advice of the hon. Member for Finsbury.

Mr. *Praed* considered that it was necessary he should correct a misapprehension into which an hon. Member had fallen with respect to what he had stated. He never said, that the rich and the reputable would pay their rates, while the poor and disreputable would not pay; he thought, on the contrary, and said, that many reputable people might not pay their rates, but he was of opinion, that the payment of a man's just and fair debts afforded a fair test of his respectability. He objected to the clause however, on grounds totally distinct from those relied on by hon. Members opposite. The opinions of right hon. Members, not now in the House, referred to by the hon. Member for Marylebone, supplied no evidence as to what they thought of the present Bill. On the opposition side of the House, they desired to abide by the Reform Act in its present state, and to take it as a whole. As to the evil arising from the non-payment of taxes, it was every year decreasing, and he really thought that, after the change in the franchise which that measure effected, it was not unreasonable to expect the continuance of such a test of solvency, of respectability, of attention to, and interest in, public affairs, as the punctual payment of rates and taxes supplied. He was resolved to oppose the amendment.

Mr. *Hall* had no doubt, that if the right hon. Members referred to were in the House, they would vote against the amendment; they opposed the extension of the franchise, and now they desired to cripple its exercise as much as possible. He could name three Gentlemen, Members of that House, whose sufficiency could not be doubted, whose names had been struck off the register of voters, in consequence of not having paid their rates. In small boroughs, where parties were divided, the rate-paying clauses of the Reform Act, in addition to many other evils consequent upon them, placed the election too much in the hands of the overseers. Candidates were frequently called upon to pay the voter's taxes for him; and he had no hesitation in declaring, that, some years ago, he had assisted in the payment of the rates and taxes of some persons occupying 10*l.* houses, in order that they might be placed upon the register of electors. In his opinion the 10*l.* franchise should be carried out to its full extent, and he thought, that there was no right to demand that a vote should be consequent on the payment of rates. He should, therefore, support the amendment of the hon. Member for Finsbury.

Mr. *J. Jervis* considered it impossible to find one argument in favour of the course followed by the noble Lord. It was a truckling and a middle course, and if this measure were taken as a sample of the policy of the Government, he was sure they would derive commendation from no party in the House, and that the people without would give them no credit, but that hon. Gentlemen opposite would be praised for spoiling the question for which they were all contending, viz., freedom of election.

Mr. *Leader* said, that at his election for Westminster there were not ten or twelve, but hundreds of persons holding the 10*l.* franchise who were anxious to vote for him, but who could not do so, because, owing to some accident or some negligence, their names had been struck off the registry. In consequence of this rate-paying claim they could not vote. This had occurred to him not only in Westminster, but also at Bridgewater. It frequently happened that the overseers were Tories, and favourable to their own party, and they took the opportunity their offices gave them of disfranchising electors by calling on rate-payers opposed to them only once for their rates, but giving to others the convenience of their calling several times. This ought not to be the case, and the continuance of it was a great temptation to corruption. It opened a wide source for corruption at the time of registration. The hon. Member for Marylebone had declared in a very manly manner, and he wished others who had done so would avow it as candidly, that he had assisted many in being registered by the payment of their rates. This, however, he considered as almost buying their votes; it was certainly giving them something for them. He thought that the proposal of the noble Lord would ensure opposition from a large party in that House, and the rejection of it in the Upper House, but that the amendment of the hon. Member for Finsbury was what the majority of electors wished for. If men were fit to vote by a 10*l.* qualification, they were fit without the consideration of their rates being paid or not; this ought not to have been superadded to the franchise, it was an unnecessary restriction, and he should, therefore, support the amendment of the hon. Member for Finsbury.

Lord *Ebrington* did not think the payment of rates the best qualification, but, as he considered that the amendment would defeat the object of the Bill, he should vote for the proposal of the noble Lord.

Colonel *Sibthorp* had not the slightest political respect for either Whigs or Radicals; and since the noble Lord had been altering, patching up, and mending the measure of reform, which he had told him at the time of passing, he knew nothing about, he would ask the noble Lord why the 10*l.* qualification should not be extended to the county electors as well as to those of boroughs? He should like to see this power given to them. As to the rejection of this measure by the House of Lords, he hoped that House would long continue to resist the machinations of parties opposite. With respect to the noble Lord's proposal, he considered it mere trumpery; and as to that of the hon. Member for Finsbury, it was still more truckling. Unless some good measure were brought forward, he would vote for neither the one nor the other, but thought he should best perform his duty by withdrawing altogether.

Mr. *C. Buller* thought, the best provision of the Reform Act was the extension of the franchise to 50*l.* landholders; but he had long wished to see the 10*l.* qualification extended to both town and country, as he considered it the only reasonable proposition for putting an end to further litigation on the subject. He owned that it was not without great regret he had heard the noble Lord express his intention of opposing the proposal of the hon. Member for Finsbury. He could not understand in what manner the noble Lord could adhere to the principle of the Reform Bill, and not go on to doing away with the rate-paying clause altogether. The noble Lord's proposition, without the amendment proposed by his hon. Friend, the Member for Finsbury, was practically a repeal of that clause, for a great number of persons who were now disfranchised would get their votes by means of this Bill, but he thought the measure would not pass the other House. The people felt no interest in the Bill, because it enlarged their franchise in a manner they did not ask for. He wished to stand on the true intention of the Reform Bill. The rate-paying clause, however, gave great power to overseers, and many of their own party were allowed to be registered, whilst others of the opposite party were, although equally reputable persons, frequently disfranchised by their means.

The *Chancellor of the Exchequer* thought, it was of much greater importance to propose such measures as were likely to be carried into effect than to push principles too far and fail altogether. The Bill of his noble Friend met the case of a man who, under existing circumstances, would be deprived of his vote by an accidental omission to pay his rate, and supplied a remedy for that inconvenience, whereas the proposition of the hon. Member for Finsbury would extend the franchise to an individual who might be insolvent. He could not help observing that the practice pursued by some hon. Members on the present and other occasions was calculated to place the Ministers in a false position, for whenever an advanced step in the course of amendment was taken by them, it was misrepresented to the country by its being immediately contrasted with some more extreme measure. He begged to remind the House that when the present Bill was introduced in a former Parliament, it was received with general satisfaction by the Gentlemen on the Ministerial side of the House.

Sir *E. Sugden* felt some surprise at the Bill proposed by the Government, support for which was demanded, not only from those who advocated the present small measure, but also from those who were in favour of a stronger measure. He recollected that the noble Lord once denounced all changes of the Reform Act, saying that it was a charter by which he would abide, and that a revolution once a year was too much for any country to bear: and yet the noble Lord now proposed to make an alteration of that charter; whereupon the hon. Member for Finsbury said, as it was natural he should say, if there is to be an alteration at all let it be an effectual one. If he were forced to choose between the two propositions, he should certainly vote for the motion of the hon. Member for Finsbury; but he was for leaving the Reform Act alone. When that Act was first introduced, the right of voting was made dependent upon the payment of rent, but in consequence of his repeated remonstrances on the inconveniences and evils which such a provision would create, that portion of the bill was not insisted on; and now that the Bill had passed into law, he was not the one who would consent to see it altered day after day. It appeared to him that the Government desired to open the rate-paying clauses, and to enlarge the franchise; but they had not the courage to make that proposition frankly, and they therefore wished, by a little grant and a little concession, to pave the way by degrees for the adoption of the hon. Member for Finsbury's motion. He repeated, he was against all changes of the Reform Act. When he last had the honour of sitting in Parliament, he remembered that if he found the least fault with the provisions of the Reform Act, he was told that the people were knocking at the doors of that House, and that they were devotedly attached to the bill—the whole bill. Well! the bill having passed into law, nobody obeyed it with greater fidelity than himself, for he took the principle of Conservatism to be, to oppose that which might be deemed bad, but when once it passed into law, to obey it. But now it was said by the other side that the oppression practised under the Reform Act was such as no man could long endure. Did the noble Lord think, that continually tampering with the constitution of England, that making some trifling alteration in it year after year, and leaving the rights of Englishmen unsettled, was a course which would be long endured by the country? He again repeated that he would oppose these eternal changes in the Reform Act, which had worked better than he had expected—a result he attributed to the right feeling and good sense of the people of England.

Lord *John Russell* felt extreme astonishment at hearing the hon. and learned Gentleman, who had so perseveringly and bitterly opposed the Reform Bill, now say, with regard to that measure, "leave well alone." The hon. and learned Gentleman having night after night opposed the progress of that bill—having condemned it as revolutionary, and predicted that it would take the Crown off the Monarch's head, and sever Church from State, now, after an absence of some years returned to the House, and,

> "Ut belli signum laurenti Turnus ab arce
> Extulit,"

he waged another war against the Government under other auspices; for he attacked not the Reform Act, being, indeed, only anxious to bear testimony to its beneficial operation and the utter failure of all his predictions. The spirit of Conservatism appeared to be very strong and singular in its nature, for he should certainly have expected that the hon. Gentlemen opposite, being so strong in numbers, would have come forward with a proposition to repeal a bill which they characterised as sure to work perpetual mischief. At the motion made by the hon. Member for Finsbury, he felt no surprise; because that hon. Member, and the Gentlemen who supported his views, always contended that the Reform Bill should lead to other changes. What they asked now was, in principle, that property should have nothing to do with the elective franchise. That, he thought, was implied by their proposition. For his part, he had always contended that the principle of the Reform Bill should be maintained; but he had never gone so far as to say, that there could not possibly be found any defects in that measure arising from its working, or arising from the conduct of those who had always been its enemies, and who tried to impede its working in a natural and safe manner. He should, therefore, be always ready to promote practical remedies for such defects, and he thought that if such practical amendments were introduced, they would tend to the maintenance of the Reform Bill; and that if they were refused, the consequence would be, that such propositions as that of the hon. Member for Finsbury, would meet with greater support.

Mr. *C. Buller* complained of the charge made against the supporters of the motion proposed by the hon. Member for Finsbury, that they wished tc have the electoral qualification totally unconnected with property. On what ground did the noble Lord make such a charge?

Lord *J. Russell* thought, that the principle involved in the proposition was, that property should not be the basis of the qualification, for it did away with the necessity of paying rates, which might be looked upon as a test of the *bonâ fide* occupation of a House.

Mr. *O'Connell* said, it appeared from what had fallen from the right hon. Gentleman opposite, that the duty of the Conservatives was to oppose a bad law before passing, and to support it after it had passed, maintaining it unchanged in its original form. It was certainly a curious sort of Conservatism for hon. Gentlemen opposite to support a law against which they had so vehemently protested, as they did against the Reform Bill. The right hon. Gentleman, and those around him, were continually crying out against every improvement, and saying, "let well alone." They would admit of no alterations in the Reform Bill, against which they had ever exerted all their energies. The right hon. Gentleman had said, he had contended against the rent-paying clauses of the Reform Bill, and been successful in having them removed, and in his (Mr. O'Connell's) opinion, it would be better to strike out the rate-paying clause also; and he should therefore vote for the amendment.

Sir *E. Sugden* observed, that he had only talked of obeying the law, and had said nothing of alterations of the law. To obey the laws, he had said, was the duty of the Conservatives; but perhaps the hon. Member for Dublin did not fully understand that duty.

Mr. *O'Connell* did not say whether his obedience to the laws was or was not greater than that of the right hon. Gentleman. He regretted, however, that the right hon. Gentleman should have lost his temper.

Sir *E. Sugden* could assure the hon. Member for Dublin that he had not lost temper.

Mr. *O'Connell*: Then all I have to say is, that the right hon. Gentleman can say an uncivil thing in good humour—that's all.

The Committee divided on the question, that the words proposed to be left out, stand part of the clause:—Ayes 206; Noes 107:—Majority 99.

List of the AYES.

Acland, T. D.
Adam, Sir C.
Adare, Viscount
Anson, hon. Colonel
Arbuthnot, hon. H.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, Colonel
Bainbridge, E. T.
Baker, E.
Baring, H. B.
Baring, W. B.
Barrington, Viscount
Bateman, J.
Bellew, R. M.
Bentinck, Lord G.
Bentinck, Lord W.
Berkeley, hon. H.
Bewes, T.
Blackett, C.
Blackstone, W. S.
Blair, James
Blennerhassett, A.
Bradshaw, J.
Briscoe, J. I.
Broadley, H.
Broadwood, Henry
Brodie, W. B.
Brownrigg, S.
Buller, E.
Burr, H.
Busfield, W.
Byng, G.
Byng, right hon. G. S.
Cayley, E. S.
Christopher, R. A.
Clements, Viscount
Clive, E. B.
Collier, J.
Colquhoun, Sir J.
Compton, H. C.
Copeland, Alderman
Corry, hon. H.
Craig, W. G.
Crawford, W.
Crompton, S.
Dalmeny, Lord
Dalrymple, Sir A.
Darby, G.
D'Israeli, B.
Dottin, A. R.
Duff, J.
Duffield, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. T.
Dundas, Captain
East, J. B.
Eaton, R. J.
Ebrington, Viscount
Elliott, hon. J. E.
Ellis, J.
Estcourt, T.
Ferguson, Sir R. A.
Fergusson, rt. hn. R. C.
Fitzroy, Lord C.
Fitzroy, hon. H.
Fleming, J.
Forbes, W.
Fremantle, Sir T.
French, F.
Freshfield, J. W.
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, R.
Gordon, hon. Captain
Gore, O. J. R.
Goring, H. D.
Goulburn, rt. hon. H.
Granby, Marquess of
Grey, Sir G.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Grosvenor, Lord R.
Hale, R. B.
Harcourt, G. S.
Hardinge, right hon. Sir H.
Harland, W. C.
Hayter, W. G.
Heron, Sir R.
Hinde, J. H.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Hurst, R. H.
Inglis, Sir R. H.
James, Sir W. C.
Johnstone, H.
Jones, J.
Jones, T.
Kemble, H.
Knatchbull, hn. Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Law, hon. C. E.
Lefroy, right hon. T.
Lemon, Sir C.
Lennox, Lord G.
Loch, J.
Lockhart, A M.
Logan, H.
Long, W.
Lowther, hon. Colonel
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Maidstone, Viscount
Manners, Lord C. S.
Master, T. W. C.
Maunsell, T. P.
Mildmay, P. St. J.
Mordaunt, Sir J.
Murray, rt. hon. J. A.
O'Ferrall, R. M.
O'Neil, hon. J. B. R.
Packe, C. W.
Paget, Lord A.
Palmer, C. F.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, T. A. W.
Parnell, rt. hn. Sir H.
Pease, J.
Pemberton, T.
Pendarves, E. W. W.
Perceval, Colonel
Peyton, H.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Poulter, J. S.
Praed, W. M.
Pringle, A.
Rice, E. R.
Rice, right hon. T. S.
Rich, R.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rose, right hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord C.
Sandford, E. A.
Seale, Colonel
Seymour, Lord
Sharpe, General
Shaw, right hon. F.
Shirley, E. J.
Sinclair, Sir G.
Smith, hon. R.
Smith, R. V.
Standish, C.
Stanley, W. O.
Stuart, H.
Stuart, Lord J.
Strangways, hon. J.
Sugden, rt. hon. Sir E.
Surrey, Earl of
Thomson, rt. hn. C. P.
Townley, R. G.
Trench, Sir F.
Trevor, hon. G. R.
Troubridge, Sir E. T.
Tuffnell, H.
Vere, Sir C. B.
Verney, Sir H.
Villiers, Viscount
Vivian, Major C.
Vivian, rt. hn. Sir R. H.
Westenra, hon. H. R.
Westenra, hon. J. C.
Whitmore, T. C.
Wilberforce, W.
Wilshere, W.
Wood, C.
Wood, Sir M.
Wood, T.
Wrightson, W. B.
Young, Sir W.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Aglionby, H. A.
Archbold, R.
Attwood, T.
Baines, E.
Barnard, E. G.
Beamish, F. B.
Blake, M. J.
Blake, W. J.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Callaghan, D.
Chalmers, P.
Clay, W.
Collins, W.
Conyngham, Lord A.
Currie, R.
Curry, W.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duckworth, S.
Duke, Sir J.
Easthope, J.
Ellice, E.
Evans, G.
Fielden, J.
Fenton, J.
Finch, F.
Gillon, W. D.
Grattan, H.
Grote, G.
Hall, B.
Harvey, D. W.
Hastie, A.
Hawkins, J. H.
Heathcoat, J.
Hindley, C.
Hodges, T. L.
Hume, J.
Humphrey, J.
Hutton, R.
James, W.

Jervis, J.
Jervis, S.
Johnston, General
Kinnaird, hon. A. F.
Leader, J. T.
Lister, E. C.
Lushington, Dr.
Lushington, C.
Macleod, R.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, W. H.
Molesworth, Sir W.
Morris, D.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Parrot, J.
Pattison, J.
Philips, M.
Phillpotts, J.
Protheroe, E.
Pryme, G.
Ramsbotton, J.
Redington, T. N.
Rippon, C.
Salwey, Colonel
Scholefield, J.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, J. H.
Tancred, H. W.
Thornley, T.
Tracy, H. H.
Turner, E.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Whalley, Sir S.
White, A.
White, S.
Williams, W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Duncombe, T.
Warburton, H.

The clause was again put to the vote.

Mr. *Baines* suggested to the noble Lord, the Secretary for the Home Department, whether proof of one year's payment of taxes would not be sufficient. He did not mean to divide the House on the subject, but as the law at present stood, it was necessary, in many cases, to go back for, perhaps, twenty years, and he had seen great inconvenience resulting as the consequence to the revising barristers. He thought it would be better, if the payment of one year's rates and taxes before entering the name of the elector on the register was made sufficient. He only wished to suggest the matter to the noble Lord, and had no wish to impede the progress of the bill.

Lord *J. Russell* thought, the amendment suggested by the hon. Member for Leeds, would have been better discussed on a question of registration than on the present occasion.

Mr. *Maclean* said, there was one portion of the clause on which he should divide the House, unless the noble Lord opposite consented to alter it. The bill required the payment of rates and taxes to give a right to vote, but it never could have been the object of its framers to apply any other test than that of solvency to claimants for the right of exercising the franchise. Now, overseers might have prejudices and be actuated by party feelings, and therefore decline calling on and demanding payment of rates from those whom they did not wish to vote. Unless, therefore, the noble Lord consented to frame the clause so as to make a demand for payment of rates by the overseers necessary before an elector was disqualified from voting, he should take the sense of the House upon the subject.

The Committee divided on the question, that the clause stand part of the Bill:—Ayes 214; Noes 118:—Majority 96.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Barrington, Viscount
Barron, H. W.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord W.
Berkeley, hon. G.
Berkeley, hon. H.
Bewes, T.
Blackett, C.
Blackstone, W. S.
Blake, M. J.
Bowes, J.
Brabazon, Sir W.
Bridgman, H.
Briscoe, J. I.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Buller, C.
Busfield, W.
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, W. F.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L.
Clay, W.
Clements, Viscount
Clive, E. H.
Collier, J.
Collins, W.
Colquhoun, Sir J.
Craig, W. G.
Crawford, W.
Crompton, S.
Currie, R.
Curry, W.
Dalmeney, Lord
Dalrymple, Sir A.
Dashwood, G. H.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duckworth, S.
Duff, James
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, Frederick
Dundas, hon. T.
Dundas, Captain
Easthope, J.
Ebrington, Viscount
Ellice, E.
Elliott, hon. J. E.
Evans, Colonel
Evans, G.
Ferguson, Sir R. A.
Fergusson, rt. hon. C.
Finch, F.
Fitzalan, Lord
Fitzroy, Lord C.
French, F.
Gillon, W. D.
Godson, R.
Gordon, R.
Grattan, H.
Grey, Sir G.
Grote, G.
Hall, B.
Harland, W. C.
Harvey, D. W.
Hastie, Archibald
Hawkins, J. W.
Hayter, William G.
Heathcoat, J.
Heron, Sir R.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Howard, P. H.
Hughes, W. B.
Hume, J.
Humphrey, J.
Hurst, R. H.
Hutton, R.

James, W.
Jervis, J.
Jervis, S.
Johnston, General
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Leader, J. T.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lister, E. C.
Loch, J.
Long, W.
Lushington, C.
Macleod, R.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, W. H.
Mildmay, P. St. J.
Molesworth, Sir W.
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Ponsonby, C. F. A. C.
Poulter, J. S.
Power, J.
Protheroe, E.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Rippon, C.
Rolfe, Sir R. M.
Russell, Lord J.
Russell, Lord C.

Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seale, Colonel
Seymour, Lord
Sharpe, General
Sheil, R. L.
Smith, J. A.
Smith, hon. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Standish, C.
Stanley, W. O.
Stansfield, W. R. C.
Stewart, John
Stuart, Lord James
Stuart, V.
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Townley, R. G.
Tracy, H. H.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Warburton, Henry
Westenra, hon H. R.
Westenra, hon. J. C.
Whalley, Sir S.
White, A.
White, S.
Williams, W.
Wilshere, W.
Wood, C.
Wood, Sir M.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Acland, T. D.
Adare, Viscount
Arbuthnot, hon. H.
Ashley, Lord

Bagge, W.
Bagot, hon. W.
Bailey, J.
Ballie, Colonel

Baker, Edward
Baring, H. B.
Baring, W. B.
Bateman, J.
Bell, M.
Bentinck, Lord G.
Blair, J.
Blennerhassett, A.
Bradshaw, J.
Broadley, H.
Brownrigg, S.
Burr, H.
Christopher, R. A.
Compton, H. C.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Darby, George
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douro, Marquess of
Duffield, T.
East, J. B.
Eaton, R. J.
Eliot, Lord
Ellis, J.
Estcourt, T.
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Fremantle, Sir T.
Freshfield, J. W.
Gibson, T.
Gladstone, W. E.
Goddard, A.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Granby, Marquess of
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Harcourt, G. S.
Hardinge, right hon. Sir H.
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C.
Hope, G. W.
Houstoun, G.
Inglis, Sir R. H.

Irton, S.
James, Sir W. C.
Johnstone, H.
Jones, J.
Jones, W.
Jones, T.
Kemble, H.
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, right hon. T.
Lockhart, A. M.
Logan, H.
Lowther, hon. Colonel
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Maidstone, Viscount
Manners, Lord C. S.
Master, T. W. C.
Maunsell, T. P.
Mordaunt, Sir J.
O'Neill, hon. J. B. R.
Packe, C. W.
Palmer, R.
Parker, T. A. W.
Pemberton, T.
Perceval, Colonel
Peyton, H.
Plumptre, J. P.
Pringle, A.
Richards, R.
Rickford, W.
Rose, rt. hon. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sanderson, R.
Shaw, right hon. F.
Shirley, E. J.
Sinclair, Sir G.
Somerset, Lord G.
Stuart, H.
Sugden, rt. hn. Sir E.
Trevor, hon. G. R.
Vere, Sir C. B.
Villiers, Viscount
Whitmore, T. C.
Wilberforce, W.
Wood, T.
Young, Sir W.

TELLERS.

Maclean, D.
Praed, W. M.

The other clauses were agreed to, and the House resumed.

THE COAL TRADE.] Mr. *Labouchere*, on bringing forward the motion of which he had given notice, for the House resolving itself a Committee on the Coal Trade

Act said, that, although the subject was of considerable importance, yet it would not be necessary for him to trespass at any length on the attention of the House. The object which he had in view was the continuance of the Bill which Mr. Frankland Lewis brought in a few years ago for regulating the coal trade, as respected this metropolis and certain parts of the adjoining counties. That Bill, as the House must recollect, made an alteration, by which instead of being sold by measure coals should be only sold by weight, the dues being regulated by the same principle. The operation of Mr. Frankland Lewis's Bill was limited to seven years, and as that time had nearly expired it became necessary to continue its provisions. If it were allowed to expire the consequence would be a return to the old system. The whole of the arrangements with respect to coal metres would be done away with, and the vexatious imposts and dues of the city of London would all be revived. There could, he thought, be no difference of opinion as to the impropriety of allowing this Bill to expire, but at the same time he begged to say, that it was not his intention to propose its renewal without allowing the House a full opportunity of looking into it, and closely and accurately investigating every one of its provisions, in order to see whether any fresh alterations were necessary, and if the duties and regulations of the trade could be rendered less onerous to the inhabitants of the metropolis than they now were. It appeared to him, that the proper course would be to refer the Bill on the second reading to a Select Committee up stairs. Its provisions would by this means be best examined and considered, and, with this impression on his mind, that was the course he meant to take. He had communicated with the parties interested in the subject, both in the North and in London, and they all expressed themselves perfectly satisfied with what he proposed to do. This circumstance relieved him of the necessity of going into the details of the measure. There was one point, however, which he was bound to mention, and it was one which he was sure would give satisfaction to the House, and that was, that when the corporation of the city of London applied to him to move for the renewal of this Bill, they stated, that they would consent to have the duty now levied by them on each ton of coals reduced one-half The sum thus to be given up to the public would be about 6,000*l.* a year, and showed the disposition of the city of London to do everything in their power to contribute to the comfort and welfare of the inhabitants of the metropolis. He should propose, that the Select Committee should have power to inquire whether the duty of 12*d.* the chaldron, at present paid, could not be still further reduced, and also to investigate generally the manner in which the coal trade was conducted in the port of London. It was not his intention that they should carry their inquiry further, or go into the coal trade as it existed in the North; and in order that they should confine themselves to this branch of the subject merely, he should propose that their investigation should be limited to the regulations of the coal trade in London, and the amount of duties chargeable on coals brought into market in the metropolis. In these inquiries they would find considerable assistance in the Report of the Committee of 1826. Though they did not want to make any material alterations with respect either to the amount of the duties or the way in which the coal trade was carried on, he was anxious that the matter should be fully examined into, in the hope that a satisfactory result to all parties would be arrived at. The hon. Member then moved, that the House should resolve itself into Committee.

Lord *G. Somerset* said, he concurred in much of what had fallen from the hon. Gentleman, but in considering the question he hoped the interests of the coalowners of the north were not the only interests which would be regarded. He disapproved of invidious distinctions, and as the system of combination in this trade existed as much now as ever, he thought that the whole subject, without reference to any part of the country, should be inquired into.

The House resolved itself into a Committee.

Mr. *Labouchere* then proposed a resolution, to the effect that a Bill should be brought in for continuing the law now in operation with respect to the coal trade of the metropolis.

Mr. *Goulburn* feared, that the object which the hon. Gentleman had in view would not be attained by his resolution, as it went merely to the continuance of the present Act, and not to the inquiry proposed.

Mr. *Labouchere* said, that he meant to effect the inquiry by means of an instruction to the Committee. With respect to what had fallen from the noble Lord, (Lord

G. Somerset), he had merely to explain, that his reason for mentioning the coal-owners of the north was, because it was on them the metropolis depended for a supply of that article. He was sorry to say, that little or no coals reached the port of London from any other quarter.

Resolution agreed to, and the House resumed. Bill brought in and read a first time.

HOUSE OF LORDS,

Tuesday, February 6, 1838.

MINUTES.] Petitions presented. By the Earl of SHAFTESBURY, from Birmingham, against the abolition of the Imprisonment for Debt Bill.—By the Earl of DEVON, from Devonport, to the same effect; and from Ottaway, in favour of Local Courts.—By Lord WHARNCLIFFE, from Wakefield, for an alteration in the Apothecaries Act.—By Lord BROUGHAM, from Perth, Tiverton, Wigton, and Bedford, for the Extension of the Suffrage, shortening the duration of Parliaments, and Vote by Ballot; from the inhabitants of Westminster, Chelsea, Poplar, Whitechapel, Bethnal-green, the borough of Finsbury, and from various parts of the metropolis, against the Canada Bill; from Dent, West Riding of Yorkshire, South Shields, Darlington, Morland, Andover, and Birmingham, against Negro Apprenticeship; from several places in Scotland, against any grant to the Established Church; and from persons confined in Gaol, in favour of the abolition of Imprisonment for Debt Bill.

WORDING OF PETITIONS.] Lord Brougham presented a petition from Lambeth and other places, against coercive measures for Canada.

The Earl of *Shaftesbury* begged to call the attention of the noble and learned Lord, and also of the House to the fact, that the petitioners in some of the latter petitions which had been presented had omitted to begin their prayer by the use of the term "humbly," which was not in accordance with the forms which the House had prescribed for petitions.

Lord *Brougham* said, there was no want of respect for the House in the terms used. The petitioners had styled their Lordships not only "honourable.," but actually called them "right honourable.," thereby describing them as being almost above all other persons, and then said that they "prayed"—they prayed of their "right honourable Lordships," nearly importing that the petitioners considered they were addressing beings above human—and yet that seemed not to satisfy their Lordships.

The Earl of *Haddington* considered the question to be whether the House thought it necessary or not to adhere to its forms?

Lord *Brougham*: There was nothing disrespectful in the terms of the petition. There was a word omitted from ignorance, as he had no doubt, and what of that? They were all ignorant of many of the forms of the House. He seldom saw a night pass without finding some violation.

The Earl of *Devon* considered, notwithstanding the happy art the noble and learned Lord had of playfully turning circumstances that might lead to important consequences off for the moment, yet that he regarded this as not to be overlooked. The fact was, that, in several petitions which had now been presented to the House, the address had been written by the same hand, and they had afterwards been sent round for signatures. Those petitions had all omitted the insertion of that word which the rules of the House prescribed, and unless their Lordships meant to form a precedent now, those petitions ought not to be received.

Lord *Brougham* said, as it might be all very well to abide by the forms of the House until they were changed, he would put an end to this controversy by withdrawing the last petition, which he had presented from Lambeth, on the ground of irregularity, as it had not the word "humbly" in it, and as that was the petition upon which the conversation had arisen, their Lordships need not know whether the omission was also in the former petitions or not, and the precedent would thus be avoided.

Petition from Lambeth withdrawn.

HOUSE OF COMMONS,

Tuesday, February 6, 1838.

MINUTES.] Petitions presented. By Mr. SCHOLEFIELD, from Birmingham, against the Negro Apprenticeship clause.—By Lord G. BENTINCK, from Lynn, against Vote by Ballot, and Negro Apprenticeship.—By Major MACNAMARA, from a place in Mayo, Ireland, for the abolition of Tithes, and Vote by Ballot.—By Mr. PARROTT, from Totness, against the Highway-rates Bill.—By Mr. R. PALMER, from a place in Berkshire, and by Mr. F. H. BERKELEY, from 600 inhabitants of Bristol, against the Rating of Tenements Bill.

COPARTNERSHIP — CLERGYMEN TRADING.] The *Chancellor of the Exchequer* rose, in pursuance of his notice, to move for leave to bring in a bill to amend the law with respect to clerical members of joint-stock companies. He felt it necessary to make this motion in consequence of a recent decision by the Court of Exchequer, to the effect, that it was unlawful for a clergyman in orders to be a member of any joint-stock company. It appeared that in the year 1817, a bill was introduced into the other House, and afterwards passed into a law, prohibiting all spiritual persons from engaging in any trade for gain or profit, and imposing a penalty upon any transgressor of the law. Not only was that penalty imposed, but it was enacted, that the acts of any company into which such spiritual persons had been introduced, were null and void. This was the present state of the law, and the result was, that if any clergyman became a proprietor of stock in any of those companies, not being charter companies, but joint-stock partnerships, that the companies in question would be incapacitated from recovering any just or lawful debt; and it might be pleaded in bar, to any attempt made to recover a debt from persons who had been engaged in business with them, that there was a clergyman a member of the company, and that he was engaged in trading, contrary to the intent and meaning of the 57th George 3rd, and consequently they were not competent to recover a just debt. He believed that that construction which had been put upon the act was quite unexpected. No person ever supposed that the prohibition justly imposed upon clergymen trading for the purpose of profit was to be a prohibition against their investing money in any species of stock—in Joint-stock companies like any other stock. He repeated, that the bill he asked leave to introduce was founded on proceedings that had lately taken place in the Court of Exchequer. In the case to which he alluded, the Northern and Central Bank having taken proceedings to recover payment of a bill of exchange from a person of the name of Franklin, Mr. Franklin pleaded that there were two clergymen belonging to the bank, and consequently that the bank was not entitled to recover; and the Court of Exchequer held that that plea was good. He therefore trusted the House would see it was absolutely necessary that the law should be altered. The construction put upon the existing act was, in point of fact, a surprise on the whole world; and, in his opinion, it rendered the bill which it was his intention to propose indispensable. The consequence of the decision of the Court of Exchequer would be, not only that penalty and loss would be inflicted on a clergyman who might be a member of a joint-stock company, but penalty and loss would be inflicted on every individual who might belong to such company. If, therefore, the case was important on the first hypothesis, it became doubly important on the second. It was not only on behalf of joint-stock banks that he asked leave to bring in this bill, but on behalf of all joint-stock partnerships; such as insurance companies, dock companies, canal companies, railway companies, &c., which would come within the decision of the learned judges of the Court of Exchequer. Were such a bill not to be introduced parties might be ruined to an extent scarcely calculable. To give the House some idea of what might be the result if the present state of the law were to be allowed to continue, he might state that there were no fewer than 108 joint-stock banks in operation, carrying on business through 474 branches, having a capital consisting of 2,776,000 shares, and a nominal capital of 66,000,000*l*. According to the decision of the Court of Exchequer, there was not perhaps one of those companies which would be able to recover a single debt. Having thus endeavoured to point out the inconvenience arising from the present state of things, he would now state the nature of the remedy which he proposed by the Bill in question. The House would see that the remedy must be retrospective, because if they were to proceed prospectively only, they would leave all the confusion incident to the existing state of the law, which he was anxious to remove. At present, if any man should become a shareholder, either by purchase or inheritance, though not a clergyman at the time, and should afterwards enter into holy orders, the whole proceedings connected with the establishment would be vitiated. They were, therefore, bound to legislate retrospectively in this matter. Was it to be allowed that a decision in the Court of Exchequer should vitiate all the proceedings and compacts of joint-stock banks up to the present hour? If so, a door would be opened to fraud, and considerable difficulty and derangement would be created in the commercial world. In bills of an analogous character, which had been introduced with a retrospective operation, it had been usual to introduce a saving clause with respect to existing suits; but he did not intend to introduce such a clause into this bill, as it would enable parties to defeat a contract by pleading a fact of which they were ignorant at the time the contract was entered into. He proposed to give validity to all contracts respecting joint-stock companies, notwithstanding the fact of a clergyman being a member of them. But at the same time he meant to introduce a clause enabling courts of justice to award costs to parties who had instituted proceedings on the faith of the existing law. These were the main provisions of the bill for which he was about to move. Although the bill was to have a retrospective operation, he did not mean that it should be perpetual. All that he intended to propose was, that it should last until the end of the next Session of Parliament. For that proposition there was a precedent. The same course had been adopted with reference to a bill of an analogous character introduced in 1823. A bill was brought into the House to prevent actions being brought against clergymen for non-residence; but the operation of the bill was limited to a certain period. For the same reason he proposed that the bill for which he was about to move should not be perpetual, although it should give a remedy retrospective in its operation, only saving to the parties who might have brought actions the right of receiving costs, at the discretion of the court. Having endeavoured to explain the objects which he had in view, he should now move for leave to bring in a bill to legalise certain contracts which had been or might be entered into by certain parties or shareholders of joint-stock companies.

Mr. *Warburton* begged to ask the right hon. Gentleman whether it was his intention to introduce any clause to prevent clergymen from holding office as managers or directors of the companies in question?

The *Chancellor of the Exchequer* replied, that there was no prohibitory clause in the bill at all. Its object was merely to give validity to certain contracts which had been made in ignorance of the law. If the House should deem it expedient to introduce such a provision as that adverted to by the hon. Member for Bridport, he (the Chancellor of the Exchequer) should be ready to discuss the question; but the present was not the proper time. The subject would be more properly introduced when the Church Bill, now on the table of the House, came under consideration. In that bill there were certain clauses to prevent clergymen from entering into trade; and, if it were considered expedient, a clause might be introduced to prevent them from becoming directors and managers of joint-stock companies. His hon. Friend must be aware that at the present moment clergymen were not prohibited from being members of chartered companies. If his hon. Friend would advert to the University Life Insurance Company he would find that the Archbishop of Canterbury was at its head, that the vice-presidents were all bishops, and that many of the directors were clergymen of the established church. Whatever the policy of the proposition adverted to by his hon. Friend might be, he could only repeat that the present was not the proper time for considering it.

Mr. *Thomas Attwood* hoped the right hon. the Chancellor of the Exchequer would reflect a little before he gave effect to such an *ex post facto* bill as that which he proposed. Forty years ago all joint-stock companies were deemed a nuisance by law, and the shares were not transferable. He trusted that the right hon. Gentleman would not persevere in his present proposition.

Leave given.

Bill brought in and read a first time.

PAROCHIAL SCHOOLS (SCOTLAND.)] The *Chancellor of the Exchequer* moved for leave to bring in a bill for the establishment of additional parochial Schools in certain parishes in the highlands of Scotland. The right hon. Gentleman stated that he had been induced to introduce this measure in consequence of a deputation having waited upon him on the subject. From the representations of that deputation he was convinced that further schools were required, but for the purpose of increasing them it was found necessary that the law should be altered, because as it at present stood schools could not be established in the different parishes in the Highlands of Scotland upon the same system as they at present existed. He, therefore, asked for leave to bring in the present bill to enable him to carry the engagements he had entered into with the deputation into effect. It was only right that he should say that he had been in communication with the committee of the General Assembly. They had made a proposition to him that those schools should not be in the nature of ordinary parochial schools, but that they should be under their direction. He intended to establish no new principle whatever; he meant that they should be established on the same principle as the ordinary parochial schools, and on those grounds he founded his motion.

Mr. *Hume* did not deny, that there existed a necessity for such a measure as the present, but he thought that the House ought to be made acquainted with the engagement which the right hon. Gentleman had entered into in reference to this measure. He knew that many complaints were made of the manner in which the money voted by Parliament was applied—namely, to the salaries of masters, instead of building school-houses. But the greatest objection of all was that the means of diffusing education were afforded to one class of persons only in Scotland. He was for diffusing education as widely as possible, but he did not see why the schools should be under the control of any particular sect or class. He very much questioned the propriety of granting more money until the whole case was before the House; and he must say, that he had been much disappointed because the Government had not brought forward some plan of general education, not only with regard to Scotland, but to the whole kingdom. From returns which he held in his hand he found that in some of the parishes of the Highlands the most lamentable ignorance prevailed. In one of them, for instance, out of a population of 1,095 souls, only 172 children between the ages of five and fifteen were able to read, and ninety six only could write. He would not oppose any measure calculated to promote and extend education, but he hoped that some system would be adopted which should be unfettered by any exclusive principle, and that before the House agreed to any further grant of money, it would be put in possession of the whole of the facts of the case, both as to the plans to be adopted, and the persons in whose hands the money was to be placed.

Mr. *Colquhoun* was favourable to the measure, and trusted that a similar enactment would be extended to other parts of Scotland. The money was not so much wanted for the building of schoolhouses, or the building of masters' houses, as for the salary of the masters.

Mr. *Wyse* supported the Bill; for, notwithstanding all the energies of the Church, and the munificence of the people, it was quite clear that the aid of the Government was required for the establishment of a sufficient number of schoolhouses, to supply the wants of the country.

Mr. *W. Campbell* was grateful for the introduction of the present measure, and hoped that it might be extended.

Mr. *R. Steuart* was glad that the Bill was to be introduced, for he was sure it would lead to a general inquiry into and extension of the system of education in Scotland.

Mr. *Wallace* could not altogether approve of the outlines of the Bill which the right hon. Gentleman wished to introduce. It would have been more agreeable to him if it had been not only a measure to extend education in Scotland, but also to alter and improve the system of education in that country. He spoke of the system of parochial education, which required great improvement. The chief evil of the existing system was the appointment of schoolmasters for life. The former system was to choose schoolmasters for a limited time, and he would endeavour to restore that system. There was a time when Scotland was justly noted for the excellence of its parochial system of education, but it now deserved a very different character. Schools that were not under the parochial system were a great deal better managed than parochial schools at present. They had better teachers, and the scholars were much sooner brought to that degree of knowledge derivable from elementary education than could be required at the parochial schools; and he believed it would be found that the system upon which the masters were chosen, and under which the parochial schools were managed and endowed, was the root of the evil of which he was speaking. His wish was, that a Bill should be introduced for the extension of education throughout Scotland; and he should be still more happy if it were a Bill for the general improvement of the minds of the people throughout the kingdom.

Mr. *Gillon* did not think, that the present system of the parochial schools in Scotland had been characterised in too strong terms by the hon. Member for Greenock. It was of a most faulty nature; and in many places not only faulty but disgraceful. Many of the schoolmasters were incompetent to perform the duties of the responsible situations which they filled. It was not so much the want of money or of an improved system that was required, as of a better method of electing the masters. At present, men who were in every way qualified by their character, education, and religious principles, were rejected unless they belonged to the privileged sect of the Church of Scotland. He protested against an extension of the noxious principle of sectarianism which he apprehended would result from the present measure.

Captain *Gordon* was sure that the people of Scotland would feel grateful to the right hon. Gentleman for the proposition which he had now made, and particularly for the assurance that the public grants would be continued. With regard to the proposition made to alter the system of appointing schoolmasters for life, he trusted that the Government would consider well before they introduced any alterations in the system which now prevailed, which he believed gave great gratification to the people of Scotland.

Mr. *Borthwick* could not hear the national Church of Scotland called a sectarian establishment without protesting against it. The Church of Scotland, like the Church of England, embraced the majority of the people within its pale, and he was sure that no Dissenter in Scotland would oppose the education of his children being conducted in the parochial schools, whatever they might do in England or in Ireland.

The *Chancellor of the Exchequer*, in reply, thanked those Gentlemen who on all sides had been kind enough to encourage him in proceeding with this Bill. He believed that when the Bill should be before them it would be found that the observations of the hon. Member for Greenock were wholly inapplicable to it. He regretted to hear Gentlemen from Scotland speak of the system of parochial education in that country, which had always been regarded as the great boast of Scotland, to be a sectarian system. He considered it to be national in its widest sense. He admitted, however, that improvement was practicable, and he agreed in opinion with those who thought that the first step ought to be the institution of normal schools for adequately qualifying the schoolmasters.

Leave given, Bill brought in and read a first time.

DESERTION IN CANADA.] Captain *Boldero* wished to call the attention of the House, and of the noble Lord the Secretary at War, to a subject which had made a considerable impression on the public mind—he meant the desertion of numbers of her Majesty's troops who were stationed in the Canadas. The inducements that offered themselves to the soldiers to desert, such as the cheapness of land and the price of labour, were certainly very great. He thought that another system of discipline ought to be followed up. Discipline was at present too much kept up by coercion. But if a little more kindness were shown, he was convinced that desertion would be lessened. At present, what inducement had the soldier to behave well? He received 6*d*. a-day, and his period of service was twenty-five or thirty years. The temptation to desert in the Canadas was, therefore, very great; but we might check it by a more extended system of rewards during the period of service, and at the expiration of it, by giving the soldier a greater bounty than he now obtained. As one mode of effecting the alteration which he proposed, a change in the present system of reliefs in our colonies would be desirable. Desertion took place in all our colonies, and the question was how to check it. According to the present system of reliefs, a regiment was ten years abroad before it came home; that was the average. At the expiration of two or three years after its return from abroad, having in the mean time recruited its ranks with young men, those men were sent out direct to North America, where there was not a sufficient inducement to young men, often of bad character, to remain in the service, and accordingly they deserted. Now, instead of this plan he would recommend the system of sending this young regiment to the Mediterranean for three years, then say to Corfu for three years, and again to Gibraltar for three years more. The time of their transit to North America might occupy another year, so that by the time they arrived there the public would have got ten years service out of these young men. Desertion then would not be so great an injury as if it had taken place before. At present, however, as we were sending out more troops, some immediate inducement would be required in order to check desertion among them, and this might be done at a very trifling expense. An active war was going on, which, however, he hoped was nearly concluded, and he would suggest that upon sending out more men, the Government should offer them as an inducement to remain in the service at the expiration of the war, either a grant of land to those who were disposed to take it, or a premium, which should be a little more than the expense of bringing them home again. The expense of conveying the troops home would be about 5*l.* per man, and the expense of keeping them before they could be disbanded would be about 5*l.* more. He would recommend, therefore, that a premium of fifty dollars should be offered to each man, or ten acres of ground at his option. We knew very well that the land in Canada was better than in the United States; we knew that the price of it was lower from 7*s.* to 10*s.* per acre, and that taxes were lighter. Besides interposing a check to desertion at this juncture, we should gain another point by settling our soldiers there. They would form a little balance to the French Canadians, and it would be admitted that 200 soldiers settling there every year were likely to check materially the influence of the French party in the colony. These were objects which might be accomplished at a small expense. It should be recollected that we must keep 5,000 men at least in that colony, and he thought that some measure of this kind should be offered to those men as a premium, in order to check desertion. He had often been astonished that the noble Lord at the head of the War Department had not given his attention to this subject. At this moment there were many regiments recruiting, and as the vacancies in the ranks were principally filled up from the sister kingdom, many young men might enlist who were anxious to emigrate and join their fathers and brothers who had settled in Canada, and it was certain, that very many young men had enlisted, he did not say for the express purpose of desertion, but under circumstances that were open to suspicion. Some such plan, then, as he had suggested was in his opinion necessary to retain them in the service. A change in the system of relief could not be brought to operate in this case of emergency. He therefore hoped the noble Lord, the Secretary at War, would take this subject into his consideration, and devise some check, if possible, for the desertion which prevailed. He would conclude by moving for a return of the number of deserters from her Majesty's troops stationed in the Canadas, between the years 1830 and 1837.

Viscount *Howick* was afraid that it would not be easy for the Government to comply with the motion of the hon. and gallant Officer. He did not, however, see, even if the returns which the hon. and gallant Member called for could be laid before the House, in what manner the production of them could promote the object which the hon. and gallant Officer had in view, or assist the House in determining what kind of a preventive system should be adopted. He thought that a knowledge of the precise extent to which desertion had gone in former years could afford no certain data on which to ground measures for its repression, and he apprehended that very considerable inconvenience must result to the public service, if it became publicly known how many persons had deserted from her Majesty's troops in a given period. He, therefore, hoped that the House would concur with the Government in refusing to comply with the call which the hon. and gallant Officer had made for the production of these returns. At the same time, he could assure the hon. and gallant Member that the subject to which the hon. Member had called his attention had not escaped the notice either of himself or of those who had preceded him in the War-office. A very long correspondence had taken place between the War-office and the military authorities in Canada, as to the discovery of means for checking the crime of desertion, which had prevailed there to a considerable extent. He was happy, however, to inform the hon. Member — and, considering the source from which he derived his intelligence, he could speak with some confidence on the subject — that since the commencement of the late unhappy disturbances, and from the time when the troops knew that their services were really wanted, there had not taken place actually one desertion. But, as he had said before, various measures had been proposed, and various plans were at this moment in operation, with a view to check the crime of desertion. It was now upwards of eighteen months, in fact nearly two years, since he had had the satisfaction, in bringing forward the army estimates of stating in that House that it had been determined by the Government to effect reliefs in our colonies in the manner suggested by the hon. and gallant Officer opposite. He could assure the hon. and gallant Member, and the House, that the subject would not be neglected by the Government or the authorities at the Horse-Guards.

Captain *Wood* said, that the refusal of the noble Lord gave him some surprise. If the returns gave any inconvenience to her Majesty's Government, or could have in the slightest degree the effect of militating against her Majesty's service, he would be the last man in the House to wish them; but he confessed he could not himself clearly see how it was possible they should have that effect. He (Captain Wood) was anxious, not alone that they should have been granted, but also that the date of the enlistment of each deserter should be added to them; because he considered that it was the duty of the House to direct the Government how to provide proper soldiers for the respective services in which they should be required to act. In his opinion the main cause of desertion might be attributed to the inadequacy of the pension given to the soldier on the expiration of his servitude. Sixpence a day, which the last warrant granted, was quite insufficient as a remuneration for past services; and the soldier who had wasted his life and strength in dangers and distant climates often found himself obliged to have recourse to the workhouse when he was discharged and returned to his own country. Without pledging himself to any of the hon. and gallant Member's particular views who had moved for their return, he (Captain Wood) thought that they should be either granted or a sufficient reason assigned for their refusal.

Mr. *Leader* hoped the gallant Officer would persevere with his motion. It seemed to him most strange that the noble Lord should refuse this return. That refusal might have the effect of inducing the public to suspect that desertion from the army in Canada was more prevalent than it actually was. The noble Lord perhaps imagined that a statement of the number of desertions might act as a sort of bad example to the troops now going out to Canada. But surely it would be much better to let the fact be known, than to leave the country to form an exaggerated estimate of the number of desertions. He was rather surprised that the noble Lord did not make some remark upon one observation which fell from the gallant Officer opposite, who had said that many young soldiers from Ireland were volunteering for the Canadian service, and that the circumstance afforded ground of suspicion that numbers of those young men were enlisting for the very purpose of deserting when they arrived in Canada, in order to join their friends who might be settled there. Now he remembered, a short time ago, when he happened to say in that House that there were very great inducements to the English soldiers to desert from the troops in America (and in that view of the subject he had now been sustained by the gallant Officer), a noble Lord not then in his place immediately taunted him with having held out to the troops an inducement to desert. It seemed, therefore, that one man might say a thing safely which another must not even hint at. Nay, he had even been charged with treasonable motives because he held the very language which the hon. and gallant Officer had himself to-night made use of without any reproof whatever. He was delighted that the gallant Officer had made that statement. It corroborated what he had before asserted, that the soldiers were ill-treated and ill-rewarded, and that when they went to America every inducement was held out to them to desert. After what had fallen from the gallant Officer, he hoped he should not hear any thing more about his own treasonable intentions for having said precisely the same thing.

Mr. *Hume* regretted that it was not the intention of the hon. and gallant Officer to press his motion. Great expense was now experienced by the country in consequence of the extent to which the army required to be recruited owing to the desertions that took place in Canada. A better system of paying and rewarding the soldiers might prevent this. He would submit to the noble Lord that, for the good of the service, he ought to furnish the return applied for. Not only ought such a return to be made with respect to Canada, but with respect to the troops in all the British colonies. It was extremely desirable to know in what country and from what regiments, too, desertions were most frequent; because it might be discovered to what circumstances those desertions were attributable, and thus a remedy might be more readily devised.

Mr. *Shaw* was of opinion that the reasons stated by the noble Lord were sufficient to show the inexpediency of making such a return as was moved for at the present moment. He, therefore, hoped his hon. and gallant Friend would not press his motion.

Mr. *Borthwick* expressed a similar hope, and observed that there was no similarity in the statement made a few evenings ago by the hon. Member for Westminster and that made to-night by the hon. and gallant Member near him (Captain Boldero). The statement of the hon. Member for Westminster had followed the invocation by the hon. Member for Leeds of the curse of heaven on the heads of the Ministry. He was aware that he was out of order in alluding to a past debate, but he was glad to find the motives of the hon. Member for Westminster were different from that which he had at the time supposed them to be.

The *Speaker* begged to call the hon. Member's attention to the fact, that it was not usual to go back to particular expressions and words used by any hon. Member in a past debate, though it was open to the hon. Member to make a general allusion to that which had passed on a former occasion.

Mr. *Borthwick* had no wish to be out of order—he merely desired to justify his own condemnatory observations upon the speech of the hon. Member for Westminster on the occasion to which he had referred.

Viscount *Howick* had not gone into a statement of the reasons which induced him to oppose the present motion because he understood from the opening speech of the hon. and gallant Member that he did not mean to press it to a division, and he should therefore have been uselessly taking up the time of the House. But his reason was, that he could not help fearing that if the number of deserters in Canada were printed and circulated by the authority of the House, it might possibly have the effect of suggesting the crime to the soldiers in that colony. No benefit had been pointed out which would result from printing the return; it was not such a return as the hon. Member for Middlesex desired, for it would simply state the number of desertions, and have no reference to the date of the first enlistment, and it would give the House no materials for the preparation of any measures which ought to be adopted to remedy the evil. Seeing no good, therefore, in the production, and fearing that some inconvenience might, by possibility, arise from printing a return of so unusual a kind, he had thought it his duty, in accordance with the wishes of the military authorities, to oppose the motion of the hon. and gallant Member. The subject of the retiring pensions of the soldiers was a subject of too large and important a nature to be incidentally discussed; but he had heard with great regret the statement made by a military man, that the retiring pensions were only sixpence a-day. It was not true that by the existing warrant sixpence a-day only was allowed, whatever might be the amount of services. Sixpence a-day was the smallest sum which, under any circumstances, the common soldier could obtain, but a larger amount was allowed by the existing warrant for long and painful services; the sum was not fixed, but it varied according to the value of the services and the period during which they were given. When hon. Members looked carefully at the changes which had been introduced into the warrant by his right hon. Friend now president of the India Board, and the alterations which had been since adopted on his own recommendation, he thought that they would be found to have worked well for the publice service, to have done good to the soldier, and to have prevented improper charges on the public funds. It had not increased desertion, for he found that the actual desertion in Canada was greater in the year before the adoption of the amended warrant than it had been since; and looking at the whole subject of desertions in the various periods of service, it was undoubtedly true that the soldiers deserted most after short periods of service, when they had made small progress towards their claim for a pension; and certainly also the arithmetical result of the whole number of desertions showed that fewer had taken place among the soldiers who had enlisted after the adoption of the amended warrant than of those who entered the service at an earlier date. He begged pardon of the House for having trespassed on their indulgence, but after what had been said by several hon. Members he had thought it necessary to give that explanation.

Captain *Boldero* had not moved for the return with the view of raking up past errors, but he had hoped that it would have been granted in order to check a crime which he regretted was so great in extent; still, however, as it had been stated that the whole subject was undergoing the consideration of the noble Lord and of the commander-in-chief, he would not press his motion. He hoped that every attention would be paid to the comforts of the men who were going out to Canada; if comforts were given to the soldier the country would be amply repaid, and every proper comfort which was withheld only rendered him discontented and unhappy. With reference to what had fallen from the hon. Member for Westminster, he must say, that he hoped no hon. Member would expect that he (Captain Boldero) would be guilty of high treason, nor did he mean to make any reflection on the hon. Member, when he said that there was a marked distinction between the two expressions which had been made use of; for the hon. Member had merely said, that temptations for desertion existed, whilst he (Captain Boldero) had specifically pointed them out.

Motion withdrawn.

Medical Charities (Ireland.)] Mr. *French* moved for leave to bring in a bill for the better regulation of hospitals, dispensaries, and other medical charities in Ireland, which had received the sanction of the president of the College of Surgeons in Ireland, and of the highest medical authorities there. It differed in some respects from the bill of last Session, but had the same object in view. He wished that it should be printed, but he did not intend to press it till some of the more important Irish measures had been disposed of.

Mr. *Shaw* did not object to the introduction of the bill, and he was glad to find that it had received the sanction of the highest medical authorities. He did not mean to say, that the administration of the medical charities in Ireland was incapable of amendment, but he knew that great exertions had been made by private individuals to effect improvement; and they ought not to do anything to prevent the exercise of private charity, nor to interfere in the management of the medical department, in which there were to be found no better educated men than those instructed in the medical schools in Ireland.

The *Chancellor of the Exchequer* rejoiced at the introduction of the bill. He hoped that it would not interfere with private charity, but its object was a more general and perfect superintendence over the hospitals with the view of equalising the expenses and the benefits, and preventing what frequently now happened that 200 or 300 per cent. was paid more to support some hospitals, than to uphold others affording the same accommodation. He believed that the medical schools, and especially the surgical schools in Dublin, would compete with any school that he knew of, and thus highly was its character considered abroad; and it was precisely because its character was so good that he believed the hospitals would be benefited by the proposed superintendence. He was glad that the bill was in the hands of so able a Member, and he could assure him that the Government were disposed to render him every assistance.

Leave given. Bill brought in and read a first time.

HOUSE OF COMMONS,

Wednesday, February 7, 1838.

Minutes.] Bills. Read a first time:—Law of Libel Amendment.—Read a second time:—Hackney Carriages (Metropolis).

Petitions presented. By Mr. Sandford, from Wellington; by Mr. Sergeant Talfourd, from the Protestant Dissenters of Birmingham; by Mr. Aglionby, from places in the Western Division of Cumberland; and by Mr. O'Connell, from the Protestant Dissenters of South Shields, to abolish Negro Apprenticeship.—By Sir C. Knightley, from Braintree, and by Mr. Burroughs, from Holkham, in favour of the Rating of Tenements Bill; and by Mr. M. Philips, from Ashton-under-Line, by Mr. Sergeant Talfourd, from Reading, by Mr. T. Attwood, from Birmingham, and by Mr. Scholefield, from Preston, Lancashire, against the Bill.—By Mr. O. Gore, from a Mr. Blunt, against the 37th clause of the Tithe Commutation Act.—By Mr. Parrott, from Morley, Devon, against the Highway-rate Bill.—By Mr. Mackinnon, from Shopkeepers in London, in favour of the Bill for a Registration of Patents.—By Mr. Hodges, from Kent, in favour of the Vote by Ballot.—By Mr. Sergeant Jackson, from the clergy of the archdioceses of Tuam and Armagh, in Ireland, that the act of the 2nd and 3rd William 4th might not be interfered with.—By Colonel Conolly, from Donegal, in favour of the Poor-law for Ireland.—By Mr. O'Connell, from St. Catharine, Dublin, complaining of the mode of Assessment of Local Taxation in Ireland; from the city of Dublin, for the total abolition of Tithes and Ministers' Money; from the city of Dublin, against the Poor-law Bill for Ireland; from the parish of St. Anne, Dublin, for Corporate Reform in Ireland; from the parish of St. James, Dublin, for the total abolition of Tithes and Ministers' Money; and others, from the same parish, for Vote by Ballot, against the enactments of the Poor-law Bill, and for Municipal Reform in Ireland.—By Sir C. Blunt, from Lewes, Sussex, for Extension of the Suffrage.—By Mr. Wakley, from Trade Societies and Associations in London, Edinburgh, Bristol, and Kingston-upon-Hull. condemning the sentence passed on the Glasgow Cotton-spinners, and praying the House to institute an Inquiry into the character of all Trade Associations.—And by Mr. Hume, from South Shields, to shorten the Duration of Parliaments; and from the county of York, in Canada, complaining of the violation of the Constitution of that province hy Sir F. Head.

Rating of Tenements.] Sir *H. Verney* rose to postpone the second reading of this Bill until after Easter. It was his intention to propose, in the interim, that the subject be referred to a Select Committee.

Sir *E. Knatchbull* thought, the better way would be, to read the Bill a second time at the present moment, and afterwards to send it for consideration to a Select Committee.

Lord *J. Russell* said, that, as there was great opposition to this Bill, and as some persons opposed the principle, and others the details, of the measure, he thought the course proposed by the hon. Member behind him (Sir H. Verney) was the most convenient that could be adopted. A Select Committee would have an opportunity of examining evidence, and the report of that Committee might enable the House to form a correct opinion on the subject. He had no wish that the measure should pass the second reading without full discussion.

Lord *G. Somerset* said, that, if he understood the noble Lord to mean that the Committee would have the power of taking evidence, and of reporting their own opinions to the House, he should be glad if the course proposed were adopted.

Sir *E. Knatchbull*, if the Committee was to have the power alluded to by his noble Friend (Lord G. Somerset), would not object to the course which had been proposed.

Mr. *Pryme* said, the result of this Bill would be to impose a heavy burthen, and he should feel it to be his duty to give it the most strenuous opposition. In his opinion it was a most mischievous measure, and could be productive of not the slightest amount of good. His hon. Friend had, no doubt, introduced this Bill with the best intentions, as there was undoubtedly a grievance in regard to this subject for which a remedy was necessary. He had felt this to be the case, and had also introduced a measure with a view to remove the grievance, but his Bill and that of his hon. Friend were very different. He would, therefore, propose that both Bills should be referred to the proposed Committee, in order that they might take evidence and report in regard to each of the measures.

Captain *Pechell* objected to wasting the time of the House by a discussion on the propriety of postponing the second reading of this Bill. In his opinion it would have been better to have gone to the second reading at once, for it was impossible that such a measure could ever pass the House.

Mr. *M. Philips* wished to state, that in the borough he had the honour to represent, there were 33,000 rate-payers, to 18,000 of whom this Bill would have reference. It was, therefore, highly important that a measure affecting so large a portion of the people, should be fully considered. If the Bill of the hon. Baronet, the Member for Buckingham, and the Bill of the hon. Member for Cambridge, were referred to a Select Committee, he thought that the Bill of the hon. Member for Cockermouth, for the recovery of tenements, ought also to be referred to the same Committee, as the subject of all the three Bills was intimately connected.

Mr. *Briscoe* thought, a Bill of greater importance than that proposed to be introduced by the hon. Baronet, the Member for Buckingham, was seldom brought under the consideration of Parliament. The Bill affected the working millions, on whom the prosperity of the country chiefly depended, and, in his opinion, the time of the House could not be better employed than in discussing a subject so important, and affecting so large a portion of their countrymen. He could not, however, approve of the measure proposed, nor could he see how any Select Committee could render it acceptable to the House. There was not a single clause in the Bill to which he could give his support, and the very first clause contained a provision so unjust and injurious, that he was sure the House never could agree to it. If the Bill were sent to a Committee, it would come out from that Committee without a single clause remaining as it stood at present: but if the sense of the House were in favour of the course which had been proposed, he should not offer any further opposition to the measure.

Viscount *Sandon* rose to ask the noble Lord, the Secretary for the Home Department, in what way he proposed to constitute the Committee—whether it was the intention of the noble Lord to name the Committee himself, or to leave the nomination to the hon. Mover of the motion before the House? He hoped the Government would take the matter into their own hands, as it was a measure affecting in a most important manner the internal government of the country.

Mr. *Wakley* also hoped the Government would feel it to be their duty to take the matter into their own hands. From the violent opposition of hon. Members on the other side of the House, he was inclined to believe, that many of the provisions of the Bill were good, and it would, therefore, be better to leave the measure in the hands of the Government than in those of a private Member. He trusted the hon. Member for Cambridge and the hon. Member for Cockermouth would consent to have their Bills referred to the same Committee, as all the three measures, in fact, related to the same subject.

Mr. *Aglionby* said, that, though he had originally been willing to give every possible support to this Bill, yet he had always considered many of its details defective, and, after mature deliberation, he had come to the conclusion, that both the principle and details were so bad that he could support neither. There was no connexion between this Bill and the one he had introduced for the recovery of tenements, and he did not think, that they ought to go before the same Committee. He hoped, however, that the House would insist on the two Bills for rating of tenements, and on his own Bill, being taken up by her Majesty's Ministers. He had often wished the Government to take the measure he had brought forward into their own hands, but had never been able to induce them to do so. The Government had as yet brought forward no measure in relation to the law of landlord and tenant, notwithstanding what had been said on the subject in the report of the Civil Law Commissioners; and if they would take the three bills to which he had alluded, into their own hands, they might then bring forward some general measure embracing the object of the three bills now before the House. The whole subject would then be in the hands of those who ought to take the matter up, and he trusted the House would join with him in requesting Government to take the management of the whole three bills into their own power, and not leave the matter to the efforts of private Members of that House.

Mr. *Ayshford Sanford* said, that he had intended to support the second reading of this bill, though there were many of its details which he should wish to see altered, but after what had passed, he thought the better course would be to refer the whole question, and not the bill itself, to a Select Committee, to be named by her Majesty's Government.

Sir *H. Verney* begged to assure the House that the turn which the discussion had taken, gave him as much satisfaction as if he had personally succeeded with his bill, and he greatly rejoiced that the whole question would be referred to a Select Committee under the responsibility of the Government.

Mr. *Baines* advised the Government to have nothing whatever to do with the bill, which was of a most obnoxious character, and would only bring odium upon them. It would be best, in his opinion, at once to dispose of the bill.

Lord *J. Russell* remarked, that this was not, by any means, a pleasant subject for the Government to take up, though he felt the full force of the suggestion, that if a measure of this kind were adopted, the occupiers of small tenements in country districts would be greatly relieved. On the other hand, however, the bill if passed in its present shape, would inflict a great hardship in several of the large towns, upon the owners and occupiers of small tenements. The subject was one deserving of inquiry, and he would, therefore, undertake to name a Select Committee which should be attended by some Member connected with the Government. Further than that he would not at present undertake.

Sir *R. Peel* trusted that when the Committee was appointed, the Members composing it would feel the importance of closing their investigation as soon as possible, consistent with a full and ample inquiry, as the question, remaining open, would throw a vast deal of property into embarrassment. The noble Lord thought that a bill of this kind would be a benefit to the country districts, but would inflict a hardship on the large towns. He begged to ask what effect it would have upon the owners of small tenements in the country, and trusted that point would be inquired into. It was well known that the owners of property in the country districts erected cottages to increase the comforts of the agricultural labouring population, without any adequate return in the way of rent, and if the consequences of such a bill should be to compel the owners to pay rates, he very much feared that their desire to accommodate the poor would be very much abated; for then, they would not only lose the interest of the money laid out, but would be subject to positive taxation. This was a point to which inquiry ought to be directed.

Second reading of the bill postponed.

COPARTNERSHIP—CLERGYMEN TRADING.] Mr. *Poulett Thomson* moved the second reading of the Banking Co-partnership Bill.

Sir *E. Sugden* thought this bill ought not to be passed without the public being satisfied that it had attracted the attention of both sides of the House. He thought it a dangerous precedent to come to this House for a remedy against a judicial decision. Nothing, generally speaking, could be worse than such a course, but in this case where the mischief arose from a technical point, he entirely agreed in the necessity of an immediate remedy, having a retrospective operation. The right hon. the Chancellor of the Exchequer, on a former evening had said, that it was intended in the Benefices Pluralities' Bill to provide as to the trading of clergymen. He had referred to that bill, but did not find any such provisions, and he trusted that some means would be taken to enable clergymen to embark their capital in fitting mercantile speculations. As regarded the proceedings still pending, he thought the clause relating to costs ought, instead of being discretionary, to be positive, and the party declared to be entitled to his costs, as he would be if the proceedings went on.

The *Solicitor General* concurred with the right hon. Gentleman on the great importance and delicacy of this measure, and said, that the suggestions thrown out would receive the fullest attention on the part of the Government.

Bill read a second time.

HOUSE OF LORDS,

Thursday, February 8, 1838.

MINUTES.] Petitions presented. By the Duke of CLEVELAND, from Barnard Castle, for the total abolition of Negro Slavery.—And by the Bishop of SALISBURY, from Clergy of Dorset, for the Continuance of the Bishopric of Sodor and Mann.

AFFAIRS OF CANADA.] Lord Glenelg moved the third reading of the Canada Government Bill.

Lord *Ellenborough* observed, that he had been unfortunately prevented by indisposition, from offering any observations on this bill at its previous stages. That being the case, he hoped their Lordships would allow him to make a few remarks on the bill in its present state. At the same time he thought it right to assure their Lordships that he should not touch upon the grounds which had been travelled over in the previous debates. He should not think it fair if he were to enter into the consideration of the conduct of her Majesty's Government, particularly of that portion which belonged to the Colonial department. He must, however, express his entire concurrence in the views of the noble Earl (the Earl of Aberdeen), as well as those of the noble and learned Lord (Lord Brougham). The observations of those noble Lords were, no doubt, very severe, but they were also, in his opinion, perfectly just. With that observation he should dismiss that part of the question. The first question which he should wish to have clearly answered was, what was the object of her Majesty's Government with regard to Lower Canada, or rather with regard to our North American colonies? Were the measures intended to be carried into execution to be founded on the bill now before their Lordships, or on the instructions to the commission by the noble Baron (Lord Glenelg)? There was the greatest possible distinction in these two modes of proceeding. To the bill he had this objection, that the suspension of the Colonial Legislature for two years, and the substitution for the present government of Canada of that which it was proposed to establish, shut out the legislature from one of the most favourable opportunities that ever occurred of making a permanent settlement of the affairs of Canada. The bill was presumed to rest on the state of Lower Canada, according to the accounts which were last received. Now, the present state of Lower Canada, as it appeared from those accounts, was very different from that which it was when the present bill was brought in; and it by no means followed that the measures proposed to be taken at the time the outbreak was first announced would be justified by the change which had occurred in the circumstances of the province. He trusted their Lordships would permit him to read a short extract from Lord Gosford's last dispatch. It was this:—

"Thus have the measures adopted for putting down this reckless revolt been crowned with entire success. Wherever an armed body has shown itself it has been completely dispersed; the principle instigators and leaders have been killed, taken, or forced into exile; there is no longer a head, concert, or organization amongst the deluded and betrayed *habitans;* all the newspaper organs of revolution in the province, the *Vindicator*, *Minerve*, and *Liberal*, are no longer in existence, having ceased to appear about the commencement of the present troubles; and in the short space of a month a rebellion which at first wore so threatening an aspect, has, with much less loss of life than could be expected, been effectually put down.

Again Lord Gosford said :—

" Loyal addresses are daily pouring in upon me from the French Canadian population in all parts of the province, expressing their fidelity to the Queen and their attachment to British connection, and strongly reprobating the selfish ambiiton and treasonable designs which have thus ruthlessly involved one of the fairest portions of the country in all the horrors of civil war."

Lord Gosford went on to say,

" The energy and activity displayed by the troops, the numerous offers of service from large portions of the population in various parts of the province to enrol themselves in volunteer corps for the defence of the government, the discomfiture of the rebellious faction in Upper Canada, the favourable disposition of the Roman Catholic clergy, encouraged and strengthened by a recent pastoral letter of the bishop of Quebec, which was read on the 19th instant in all the churches of his diocese, and a copy of which is enclosed, all combine to assure me that no further organised attempt is likely to be made to interrupt the public tranquillity."

He had read these parts of the dispatch (Lord Ellenborough continued) in order to show that in a proceeding of this grave character they ought to proceed on the last information which they had received as to the actual state of Canada. Looking to the account which he had read, he did not see how the preamble supported the enactments; because it did not follow from the present state of things that the Legislative Assembly could not meet for the benefit of the public service. If overlooking the return of peace they passed over the present opportunity, they would shut out for ever the probability of effecting a permanent settlement of the differences which existed. Had there ever been a more favourable opportunity of proposing to the House of Commons what her Majesty's Government intended to propose with respect to the constitution of Canada? Had there ever been an opportunity when the people of Lower Canada, suffering as they were under the effects of rebellion, would be more disposed to accept the alterations proposed by the Imperial Parliament? He would say further, " Is there ever likely to occur again a time when you can bring together, not the old, but a new Assembly, with a greater prospect of having men as representatives of the people who, with a sincere desire to maintain the connection which exists between the province and the mother country, will candidly and fairly endeavour to effect a settlement of the differences which prevail ?" His opinion, then, was, that if they acted on the bill itself, they would lose the only opportunity which they were likely to have of making a permanent settlement of the affairs of Lower Canada. It could not be said that her Majesty's Government were not prepared for such a course, for so early as May last, the noble Baron (Lord Glenelg) distinctly stated that the Government were prepared to legislate on those points which were now referred to the noble Lord who was going out as governor to Canada. These were precisely the points on which legislation was required; but again, it was proposed to throw all responsibility on the government in Canada, and to cause a further delay for two years, when measures would be proposed under circumstances far less favourable—he might say desperate — if they looked to a final satisfactory settlement of all disputes. Such was his conviction, if the measures of the Government were to be gathered from their bill; but if they were founded on their instructions then they were pushing their objects at a most unfavourable moment, for he could not imagine any possible conjuncture at which it would be more difficult to establish either a union of the Canadas or a legislature for certain common purposes than under the combination of events, which now existed. It was impossible that the Lower Canadians should not be excited to great jealousy and apprehensions when they saw that they were about to be deprived of the interests which they possessed in local government. On the other hand, there was in Upper Canada a feeling that all that had taken place in their province originated with the inhabitants of Lower Canada; and thus a principle of hostility was now evolved which would induce the people of Upper Canada to resist any proposition for a union of the provinces, or a united legislature, until they were able to secure that to which they had so just a claim—a majority in the representation. The effect of the numerical majority of the inhabitants of British descent in Upper Canada would be to place the French Canadians in that province in the same state of thraldom to which the British settlers in the lower province might be subjected. Such a union would be worse than that of Holland and Belgium. Instead of producing concord and good government, it would sow new sources of dissension, perhaps of conflict, between the two provinces. But if, by any arrangement of the franchise and the local districts, they could secure in the upper province a majority in point of wealth and numbers on the side of those of English descent, still it would be counterbalanced by a minority in that province of republican principles, which added to the majority in Lower Canada attached to the same views; would command a complete supremacy, and make it impossible to contend against the demands of an united legislature. He felt satisfied that in all matters of difference in these provinces, the mediation, or rather the arbitration, of the home Parliament was absolutely necessary. He thought that experience had shown that it was quite impossible to expect that any convention formed of the persons whom it was proposed to select could lead to satisfactory results. Now, such being the probable results of the measures intended, whether they were founded on the bill or on the instructions, he asked was it likely that they would be well received in Lower Canada? He did not ask whether they would be well received by people of French origin merely, but how would they be received by persons of English origin, desirous of maintaining the connexion with this country, and disapproving highly of the conduct of the House of Assembly? He thought that some indication of what their feelings would be was contained in the despatch of Lord Gosford, when describing the reception of the resolutions of last year by that party in whose favour it might be supposed they were passed. Lord Gosford made use of language to this effect:—"I must observe that the feeling against the imperial Parliament taking money out of the public chest is general, and even those who reprobated the conduct of the House of Assembly cannot refrain from an expression of disappointment at this part of Lord John Russell's resolutions." Now, if that were the state of feeling with respect to those resolutions, did their Lordships suppose that the measure which they were now about to pass—going as it did so much beyond what the Executive Council ever contemplated when rebellion was menaced—did they think, he repeated, that when that rebellion had occurred and was suppressed, this measure would be met, even by the friends of British connexion, with any other feelings than those evinced when they became acquainted with the nature of the eighth resolution? He had said that this measure had gone beyond what the Executive Council contemplated; for that council, when pressed by Lord Gosford, stated, that though they should recommend the suspension of the constitution for a limited period, or, at least, such part thereof as related to the calling and meeting of the provincial parliament, yet that in the interval the local government should make such laws only as should continue those which were old and revive those which had expired. They also recommended the repeal of the 1st William 4th, which would place his Majesty in possession of the revenues which he had heretofore enjoyed, so far as they were necessary to carry on the civil government. Under the present circumstances he considered that a fair, just, and proper measure. But while he acceded to that he was not prepared to admit that by a message from the Crown all the hereditary revenues which had been placed at the disposal of the Assembly should be resumed. It was also justifiable and right that there should be some power of reviving expired and continuing old laws. But let it be observed how much farther this bill went than the repeal of the 1st William 4th. There was not more required for the expenses of civil government than 60,000*l.* or 70,000*l.* a-year, whereas such a sum as 100,000*l.* would be placed at the disposal of the governor-general and his council. That being an unnecessary power, ought to have been withheld. He was bound also to state that the Executive Council never contemplated the delegation of general powers to make laws to a temporary body, and asserted that beyond the revival of expired laws, and the continuance of expiring ones, "the actual circumstances of the province did not suggest any further alteration in the constitution." Now, all knew that the time at which a transaction should take place was a most important consideration in all warlike or civil affairs. If, then, the noble Baron (Lord Glenelg) desired to put off this question for three years, and to throw it from his own shoulders on the Governor of the Canadas—if he desired, by extinguishing the Assembly, to establish an autocracy, he could not have selected a better mode than that which he had adopted. He never could have found a House of Commons more disposed (as they acted under the influence of rebellion) to grant such a power. But if, on the other hand, the noble Baron desired to make at once a permanent settlement of this question, there was no time better than the present to carry such an intention into practice; there was none at which he would receive greater assistance from the Canadians or greater facilities at home for the accomplishment of such a purpose. He deeply regretted that the opportunity which offered had not been taken advantage of, because not only was the state of things now much more favourable for the legislation of the Imperial Parliament than when the Bill was brought in; but their Lordships were well aware that events had since taken place which urged them to come to a settlement at once if possible, and a conciliatory settlement, of the unfortunate differences which existed. It could not be concealed that the tendency of the revolt or the disaffection which prevailed in these provinces, especially in Lower Canada, was to create a danger of the greatest calamity which could befal this country or the human race; namely, a war between England and the United States. Every day that a satisfactory settlement was deferred, that danger became more imminent — but it would be most imminent by any unnecessary severity — by any attempt at injustice towards the French Canadians, which would displease even those of English origin, and excite the constant observation, if not sympathy, of the United States. Let not these feelings be agitated, or her Majesty's authority in Canada would be overturned. Another danger, though not so imminent a one, would arise by pressing down, as it seemed intended to do—though the noble Earl going out as Governor had too much sense and was too statesmanlike in his views to share such language—the French Canadians, and subjecting them to a heavier punishment than that inflicted on those of English origin. Let them take care that the French people would not be thus aroused to active sympathy in their cause. On the whole he felt satisfied that there was much greater danger in suffering a long interval to elapse before there was any final settlement than would now accompany the attempt of any reasonable man to accomplish that purpose by an appeal to Parliament. With these impressions, feeling that they were now about to take a step which could not be easily retraced, which must induce discontent and collision with our own subjects, perhaps a collision with the United States, ending in a fatal war, perhaps with that country and with France; seeing that this measure was not supported by justice and that it was evidently impolitic, he was left no other course than to say, "not content" to the proposition which was now made.

Lord *Glenelg* said, that the noble Lord had stated very ably his objections to the present Bill. If he could accede to the noble Lord's premises he should certainly be disposed to accede to his conclusions; but, he confessed, he was not able to go the length of the anticipations in which the noble Lord indulged. The noble Lord had said that if they passed that Bill they would establish an autocracy and show a disposition to crush the French under the English Canadians. He, on the part of the Government, disclaimed any such intention. He agreed, that there were grave interests involved in the discussion and settlement of this question. With regard to its possible consequences, he thought he might claim something in behalf of the Government, in opposition to the views taken by the noble Lord, which were not shared by those with whom he generally acted. It was perfectly true that in the interval between the suspension and restoration of the constitution many important events might be involved, but the noble Lord contended that we should at once carry into effect a permanent settlement. If they could proceed at this moment to act under the present constitution, and could establish a permanent system which should work harmoniously for that country, and if by that means they should obtain a result satisfactory to all parties—if they could obtain such an object by any other mode than the measure now proposed, he should cordially acquiesce in the negative pronounced by the noble Lord. But looking to the present state of the two provinces, he could not contemplate the possibility of such a result. The noble Lord said "why not summon a new assembly and proceed with the present constitution?" Why at this moment the great objection to a plan which had been promulgated, and by which the Governor was to act prospectively on certain propositions to which he was referred in the instructions, was, "The first thing you should consider is the present state of the province with a view to restore peace and tranquillity." What possibility of such a result could be expected from a new Assembly, when the excited state of parties was considered, and when the arguments of the leaders of the Canadians, instead of being repressed by such a proceeding, would be raised to still higher importance by being allowed an opportunity of being carried into operation at the new elections? He felt convinced that the state of the province was correctly represented by Lord Gosford. At the same time it was impossible to doubt, in consequence of the excitement which prevailed amongst all parties, even supposing the revolt to be at an end, that there was not a justification of the present measure. If they looked to the long series of events which had occurred, the habitual resistance on the part of the Assembly to every wise system of legislation; if they adverted to the excited feelings of the French portion of the population, it was quite clear, that if they proposed to confer permanent tranquillity, by appealing to the voters at elections, they would overturn the constitution, revive agitation, and give a free scope to the measures and devices employed to seduce the unfortunate people into the present revolt. The grounds on which the measure rested were these—that, after a long series of concessions on the part of the Crown, after repeated experiments, after repeated appeals to the candour, good sense, and loyalty of the people, the Assembly of Lower Canada had resisted all efforts at conciliation, and at length blocked up the wheels of Government by placing the province in its present condition. The revolt was only a part of the system on which they proceeded; and, granting that we were bound to give protection to all the inhabitants, and disclaiming all distinctions between French and English inhabitants, it was our duty to give the Canadians some government to hold society together, and to prevent the dissolution of all law and order in that province. The noble Lord stated, that these propositions would be unacceptable to the English party. It was perfectly true, that the resolutions of last year were disapproved of by that portion of the inhabitants, but he stated deliberately, that it was not merely the opinion of the English, but also of a considerable portion of the French inhabitants, who perceived the issue to which the plans of the leaders were tending; and feeling what must be the fatal effect of such a movement, if persevered in, that unless the British Parliament interposed, they could not be saved from the inevitable ruin by which they were threatened. He was persuaded, further, that the English population looked with particular feelings of interest to a continuance of the connexion with the mother country. It had been suggested that we should meet the wishes of the people of Lower Canada. He quite agreed in that view, and it was that on which the Government proceeded; but he did not think, that, in its present excited state, such amendments could be made in the constitution as would enable it to work harmoniously. He was sure, if they proposed any such measures as those calculated upon last year, they should be met with this remonstrance, "You are rash in bringing forward these measures, you ought to ascertain clearly what the feelings of the people were, prior to the revolt, at its commencement, and subsequently." They should be told "Try the course which should be recommended by a Governor on whom they imposed adequate authority, and not proceed to legislate by arbitrary changes in the constitution." If Parliament had taken advantage of a moment when the province was hardly recovering from a state of revolt and rebellion, to interfere and enact its own laws and regulations, and establish its own authority, he thought this would have been a disgrace to it and the country. Neither could it be consistent with the real power and dignity of this country to take advantage of a moment of excitement, and appeal to the feelings of the people of Lower Canada, and ask them to agree to a constitution and a form of government which, under the circumstances, they could not be capable of appreciating calmly and dispassionately. It might be said, in answer to this, that, in whatever the Government thought it necessary to do in the present emergency, they would have the Parliament of the country with them; but they did not ask for powers, which, under the circumstances of the moment, they might perhaps be able to seize upon; but for the means of accomplishing that which would best conduce to the preservation of the great and permanent principles of constitutional government, and the prolonged connexion between the northern American provinces and the parent State. Government was of opinion, that the present moment was not the time in which the wishes and opinions of the Canadians themselves, upon the subject of their future government, could be consulted with advantage, and, therefore, they asked for an interval, during which an appeal would be made, he hoped successfully, to their better feelings, and lead the way to those measures of amelioration which both Parliament and the Government undoubtedly had in view at the present moment. This was the general feeling of the Government and, he believed, of Parliament upon this subject. He was aware that objections had been urged against points in the Ministerial plan, and that specious arguments had been urged against its details; but, looking at the present and permanent interests of the colony, and the feelings and wishes of the people themselves, he thought that it would be unwise in Parliament to attempt, at the present moment, to introduce any changes in the constitutional government of Lower Canada. It was upon these grounds that he opposed the proposition of the noble Lord, believing that that which had been proposed by the Government was supported by circumstance, by reason, by principle, and by a regard to the interests of the colonists themselves.

Lord *Ashburton* concurred in the opinion of the noble Lord who had just sat down, that the settlement of this question ought not to be made at the present time. The noble Earl (Durham) who was going out to Canada, ought, however, to have the power of calling together the Assembly of Lower Canada, in case the misguided people should return to their allegiance, and tranquillity be restored. One thing was clear, that the agitators in the Canadas, who excited others by acting on their fears or working on their passions, like some nearer home, did so from a conviction of the great weakness and evident want of decision of the Government. How could they feel otherwise? They had seen the rapid succession of Governors in a short period. They had seen Sir John Colborne removed to make way for Sir F. Head, and he recalled, to make room for Sir George Arthur, who, in his turn, would shortly retire, to give place to the noble Earl, who was to have the supreme authority in both provinces. It was impossible that such a system could have any other effect than that of weakening the Government in the opinion of the people of the two provinces. He could liken these rapid changes of Governors to nothing but what took place in the early campaigns of the Duke of Wellington in the Peninsula, when three generals-in-chief appeared on the field on one and the same day. He would now come to the question whether the measure before their Lordships was just to the people of Canada. He would at once admit that there was an injustice done by it to the Legislative Council. He would admit too that the state of things between the Legislative Assembly of Lower Canada and the mother country had come to that pitch, that we must either give up the colony altogether, or assert the authority of the Crown over it. The whole of the argument of the learned gentleman who appeared at the bar the other evening went to show the impolicy of attempting to govern the colony at all from this country, and indeed he could not see how it would be possible to assert the authority of the Sovereign of England consistently with a compliance with all the complaints of the colonists. A Committee had sat for the consideration of those complaints, and on its recommendation Parliament had consented to redress the grievances complained of, with the exception of that in which it was sought to have the Legislative Council chosen by popular election in the same manner as the House of Assembly; a compliance with that would have put an end for ever to our authority in that colony. He had been a pretty constant attendant on the Committees of the House of Commons which had sat on this subject, and he found that the great object of the leading agitators, and of those who went with him, was no other than to set up Lower Canada with a national character, language, and laws, as an independent state, and, finding the Government of this country of "squeezable" materials, as it was termed, they hoped to carry that object. It was admitted on all hands that the Canadians of French origin were for the greater part in extreme ignorance, which many of them had since been shamed out of, and being so, they were persuaded by agitators that the time had arrived when they might assume a national character. They were induced to fall into this notion the more readily by the rapid advances emigration had made in that country, and they naturally thought that if they did not make the attempt now, they would soon be swamped by the masses of emigrants coming from England, Germany, and other states, who could not be disposed to feel any sympathy with them. Many seemed to look upon one possible result of the present state of things with some alarm,—namely, that the Canadas would separate from us, and join the United States; but, for his own part, he would rather see the two provinces join the United States, than see Lower Canada follow her own course. Nobody disputed that the power of the United States was gigantic, and that the accession of two such colonies as the Canadas would add to it; but, looking at their deficiency of harbours, except those in the St. Lawrence, he would say that the possession of those two colonies would not add one iota to her power of annoyance to this or any other maritime state. The case would, however, be very different if Lower Canada were established as a republic under the protection of France. Some reference having been made to opinions which he had given on this subject some twelve or fifteen years ago in the other House, he would state that he still entertained the same opinion—namely, that the value of colonies had been greatly overrated. He did not refer so much to their importance in a commercial point of view, as to the question whether the value of that commerce would not be just as great with the particular place existing as an independent government as if it continued under the sovereignty of the mother country. This led him to say a word as to colonization in general. The great reluctance of Parliament to enter very minutely into all the details respecting them—a reluctance which very probably, placed as we now were with respect to the Canadas, made colonies in general of less value than they were—might render a few remarks on the subject not unnecessary. Under the old system of colonization in Europe the case was very different from what it was at present, and colonies then were more valuable; because at that time all commercial and maritime nations were pursuing the system of colonization to a vast extent. Spain and Portugal had seized on half the New World for the purpose. England, France, and Holland also were carrying on colonization to a great extent in the most distant parts of the globe. What so many commercial nations were then doing became necessary for all, for the colonial system at that time was almost entirely that of non-intercourse with any state but the mother country. The colonies were, therefore, highly valuable to the parent state. It was not so, however, when the colonial system became relaxed, and colonies then became of less value than they were before. This did not apply strictly to all our foreign possessions, for there were, for instance, some of the West India islands, some possessions in the Mediterranean and other places, which, in time of war, were of the utmost consequence to this country, but for other causes than those of their commercial value. The Canadas, however, were not of this description. They were taken from France during the war which ended in 1763, and reserved by this country, not so much for their own intrinsic value as to serve as a protection for our other North American possessions. At that time they were nothing but a barren soil, covered with snow; and as to Upper Canada, it was scarcely known. Now, however, the two provinces ran for 1,200 miles along the frontiers of a powerful—indeed an all-powerful state in the New World. The inhabitants of the North American States were an irritable and arrogant race, like ourselves, from whom they sprung. Looking at the people at both sides of the border—looking at the tendencies of a popular government, it would be almost impossible, under particular circumstances, to prevent the risk of a collision, and of being forced into a war, which he need not say, with the noble Duke, ought not to be a "little war;" for the people with whom we should be then engaged would not allow us to make it a little war. We should consider that such a war must on our side be for the greater part a defensive war, and that must in time be a losing game. These were matters for grave consideration, and should make their Lordships examine whether in reality the colonies were of such value as they were usually held to be. It behoved this country to see what was the permanent value of these colonies to her. His object in making these observations was not to lessen in their Lordships' estimation the commercial value of many of our colonies; but he repeated we should consider whether they would be commercially less valuable as independent states than they now were under the sovereignty of this country. As long as they were content to remain in their present condition under the protection of this country, it was well that they should so continue; but if they demanded to be separate—to take on themselves a national character, then it appeared to him that it would be the wisest, the most liberal, and the most consistent with sound policy to shake hands with them, and let them join with the North Americans, if they so thought fit. We should still have these colonies to deal with, and not the less valuable would be their intercourse because they were under their own Government. Would any one say that the commercial intercourse with the United States of America was of less value to us at present than when most of its states were under the sovereignty of England? On the contrary, would it not be admitted that the commercial intercourse with each was of the utmost importance to the other? If they looked to the possibility of that change which history showed them took place in the condition of the most powerful nations—if the grandeur of England should fade, and its prosperity decay, the greatest monuments of her glory would remain in her colonies. What a contrast between their condition and that of the colonies of other states! When the colonies to which he had alluded came to emancipate themselves, not one of them was found to be capable of self-government. They possessed no public opinion to judge of; they had no common sense to guide them. Of the colonies which had separated from the parent state the only one which enjoyed any degree of tranquillity was the kingdom of the Brazils. For nearly the entire period of a quarter of a century, during which these colonies had been standing on their own legs, they had continued, almost without a single intermission, rebellious. They had remained in the possession and exercise of all that turbulence which democracy brings. There had been no relaxation of lawlessness or successfulness of rebellion. This country should learn from experience and derive wisdom from the knowledge of these facts. In the present instance, no person of common sense would be found to say that these colonies could belong to England for twenty years. The separation was inevitable, and they should therefore be prepared to expect it, and not to repeat the follies of past times. If they were compelled, as certainly they must be, to give up these colonies when the fitting season arrived, it should be their wish and endeavour to part with them on friendly terms, so that kind feelings and relations might still continue to exist. Upon that subject he should have felt much in their case the force of an expression which had been made use of in one of those admirable letters of the noble Duke (Wellington) which had so much delighted the public of this country. Talking of his position in Portugal, at a time when he was oppressed by difficulties of all kinds, the noble Duke said that if he was to leave the country at all, he would wish to go out and leave it like a gentleman. That was precisely his feeling towards the Canadian colonies. If they were of opinion that the colonies should be retained, then the case would of course be different. But if they must go, he (Lord Ashburton) would then say, "Go out in a manner worthy of the dignity of a great people, and so as to merit their gratitude and affections." That was his opinion with respect to these colonies. The time, however, in which that could be best and most advantageously done was a time of quiet and tranquillity, when peace and good feeling prevailed. There could, therefore, be no time less opportune than the present, when a rebellion had occurred, and the minds of the people were excited, and their affections alienated. That would be one great difficulty. They would also have great difficulty arising from the state of their own people in Upper Canada, and from their people in Lower Canada being intermixed with the French population, from the conviction which must necessarily be felt, that if the British settlers were abandoned they must be sacrificed, a result which appeared to him quite inevitable. It was their duty, and their painful duty, when subjects of that kind came under their consideration, to open their eyes and see their real interests and dangers in the matter; and although they might not be able at the moment to act up to their intentions, it was essential they should be ready to do so when the time arrived. As far as the people of Upper Canada were desirous of separating from the mother country, he, for one, did not know whether he would not encourage them; at least he was certain he would be a consenting party. The people of Upper Canada had, however, by their recent conduct given the strongest proofs of their desire to continue united to this country. The late calling of the House of Assembly, by the governor, Sir Francis Head, afforded the opportunity of testing their wishes and feelings in the matter. So far, however, from expressing any such inclination, they expressed directly the contrary, and it was a circumstance of consolation to see, that when they had the opportunity of showing to the world any such feeling, if it existed, they declined to do so, and that too under circumstances of strong temptation, arising from their proximity to a republican Government and other causes. They were conscious of the advantages which they derived from their connexion with this country, and the consequence was, that there never was exhibited so strong a muster of men anxious to defend and continue that connexion. That circumstance, therefore, connected with the state of the population in Lower Canada, would present a bar to acting upon the principles which he had pointed out. As his (Lord Ashburton's) opinions upon the subject had been quoted in another place, he would take the liberty of suggesting to noble Lords opposite, the Members of her Majesty's Government, whether there could not be left to the noble Lord (Durham), who was about to go out to Canada, the power, if he thought proper, of again calling together the Assembly of Lower Canada. There was little prospect, however, of such turning out to be feasible. With these observations he would leave the matter in their Lordships' hands.

The Earl of *Mansfield* having had no opportunity on a former occasion of expressing his sentiments, would then trouble their Lordships with a few observations. He felt, however, that he owed a particular apology for coming forward after the able and powerful speeches which had been already made upon the question, and would probably not have troubled them if it had not been for something which had taken place in the debate, which seemed to call for observation. The noble Baron had commenced his speech with so much good sense and knowledge of the subject, as must leave such an impression as the importance of the subject required. The bill upon their Lordships' table, had for its object the suspending of the constitution of Lower Canada, and the providing a temporary government, until Parliament, after due deliberation, should give them another constitution. He did not mean to oppose the bill, but he must say that he assented to it with extreme reluctance. It was founded upon a necessity which he at once acknowledged. It was founded upon the conduct of the House of Assembly of Lower Canada. It was, however, with the greatest reluctance, that he consented to take away any of the rights under a free constitution enjoyed by any portion of her Majesty's subjects, or to deprive them of the representation of a popular Assembly. Their Lordships were in a very awkward predicament. They were engaged in a contest of which many of them would not live to see, and none of them could confidently predict, the issue. Every step which they took should be marked by the greatest caution and prudence, and should be considered as a type of that system which we should adopt towards our colonies — a system of conciliation and justice. It should be an indication of the future conduct of England, and the measure of just severity they were about to pass ought not to be unaccompanied by a declaration of that system. It might be conceived that such a declaration was contained in the preamble. He thought it would have been a better course, and one more consistent with precedent, if that declaration had been made in a message from the Crown. In considering this very extensive subject, their Lordships must take into consideration the conduct of the House of Assembly, of the Government, of the Colonial Secretary, and of the state of the two provinces of Canada. It was to the conduct of the House of Assembly that he looked for a justification of this measure of severity. He had been very much struck by an observation of the noble and learned Lord (Lord Brougham), as to the right which Parliament had given to the House of Assembly, and yet, on the first occasion of their exercising that right, proposing to take it away from them. Now, he could not conceive that the House of Assembly was justified in availing itself of an unfortunate omission of imposing conditions in the act of 1831 — an omission against which the noble Duke near him (the Duke of Wellington) and a noble Earl now no more, but who had been at the head of the Colonial department for many years, remonstrated in vain. The Assembly, in refusing supplies, might be said to have exercised a right conferred on that body. Upon that point he wished to state his views. The different branches of the legislature had different powers. Their use was to keep the antagonist principles in a proper equilibrium. If one of those powers were allowed to preponderate, the rights and discretion of the rest became invaded. For, notwithstanding the theories of writers, there was a discretion to be exercised by prudent men. [The noble Lord then proceeded to unfold his position, and illustrated it by extracts from Sir Heneage Finch and other writers.] It was in that way the Americans proceeded before going further in obtaining a redress of their grievances. The House of Assembly wanted also improvements which they wished to introduce. One of these was the new formation of the Legislative Council. How, he asked, could that change, even supposing it to be beneficial, which he (Lord Mansfield) did not believe —how could that change take place without the consent of the other branch of the legislature? If it was an improvement, it could only be effected by the concurrence of all the branches of the Legislature. So far, however, from considering it an improvement, it would be, in his opinion, utterly the destruction of all government. But the House of Assembly had gone further. Not only did they endeavour to effect a redress of grievances by refusing the supplies, but they refused to go on with the regular business of the country; so that when the House of Assembly was prorogued, it seemed doubtful whether there had been a session or not. This was an important doubt; for, if there had been a Session, certain Acts of Parliament had ceased to exist. This stoppage of the public business had been characterised even by the loudest advocates of liberal measures as factious. What could the Governor do? Was he to call a new Assembly? There was no chance of getting a new Assembly any better disposed. When there was a declaration of martial law, and the trial by jury, the right of *habeas corpus* and other constitutional privileges were suspended, Lord Gosford, could, under the influence of the excitement so produced, hope for no support. The Assembly, he was afraid, would rather vindicate the revolt, than support the Governor. He stated this to show the reluctance which he felt to take away the constitution. His opinions were derived from those with whom he was connected, whose acts, though they had been denounced as arbitrary and unconstitutional, would be found to terminate in substantial benefit. Though differing from her Majesty's present Ministers, as well as from former administrations, he had this satisfaction— that he never advised the Assembly of the province to persist in reiterating their grievances and obtain their redress by a refusal of the supplies. He now wished to make some remarks upon the conduct of her Majesty's Ministers. He must say, that although he had been a Member of Parliament for many years, he had never heard charges so ably stated, and so feebly refuted, and, he might say, so almost wholly uncontradicted. He could not help contrasting the conduct pursued by his noble Friend (the Earl of Aberdeen) and that pursued by her Majesty's Ministers with respect to the appointment of a Governor. His noble Friend had appointed as Governor a noble Lord of great ability and great knowledge of business, but her Majesty's Ministers had sent out three Commissioners, very respectable persons he must admit, but still they agreed to differ on almost every subject that came before them. He must also say that the conduct of her Majesty's Ministers in sending out the resolutions of last year without founding a bill upon them, was highly censurable. It gave rise to a suspicion that it never was the intention of her Majesty's Ministers to accompany the resolutions with a bill. And here he must ask what were the intentions of her Majesty's Ministers? for after all that had been said in the other House of Parliament, and after the dispatch of the 27th of May, his conviction was, that no bill was intended to accompany the resolutions. Such a suspicion was pretty general at the time, and he must say, that the result had shown that it was a very good guess. There was reason to suppose that this suspicion had extended to Canada. These resolutions which were so well calculated to give rise to much dissatisfaction were, otherwise, wholly inoperative. They must irritate—they could not reconcile. Coupled as they were with the withdrawal of the Bill founded on them, in consequence of the approaching dissolution of Parliament, and taken likewise in connexion with the other circumstances in which they were passed, and with certain events which followed the passing of them, could there be an expectation that the Canadians could believe the assertion that a measure founded on the resolutions would be persevered in. He would ask, also, whether it would not have some effect on the people of Canada when they perceived her Majesty's Ministers taking an active part in supporting a particular candidate, one of the household having presided over the committee of the hon. Member, who was one of the most determined advocates of the claims, and the justifier of the conduct, of the House of Assembly, and this, too, in opposition to a most distinguished officer who had been colonial secretary, and one against whom the House of Assembly complained ? This certainly was an indication that her Majesty's Ministers had no certainty in their actions. Whether this was a just inference or not it was a very natural one; it might afford grounds for the arguments of agitators who were endeavouring to keep the people of Canada under a delusion, and it certainly had not been refuted by the words or subsequent acts of her Majesty's Ministers. The noble Earl who was about to proceed to Canada was instructed to collect the opinions of the people, in order to enable Parliament, after due deliberation, to remedy the defects in the constitution of Canada. It appeared to him that the mission of the noble Earl was something like throwing the settlement of these questions into Chancery; it was like granting a lease of the disputes. He did not think that the noble Earl, who was going to Canada to complete his education, would find, when he had been there a time, that he knew more than at present; but he thought that Parliament had already knowledge enough of the case to legislate upon—and he would ask what proof was there that the Canadians would resist ?—and to frame an act of Parliament here which would give a constitution to the people of Canada. With regard to the instructions which the noble Baron proposed to send out for the guidance of the noble Earl (Durham), he must say, that it appeared to him that they must undergo very considerable alterations. The noble Earl was directed to bring before his council certain subjects on which he might require their advice; also the 10th of those resolutions which had passed that House was cited—namely, " that great inconvenience has been sustained by his Majesty's subjects inhabiting the provinces of Upper Canada and Lower Canada from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions wherein the said provinces have a common interest," &c., and the question in debate between the provinces was stated to be among the subjects which the noble Earl ought to bring before the council. That was a very important question; yet he did not know whether the noble Earl was in possession of any means of settling it; but it seemed to him that there was a subject of very great importance, not merely with reference to the trade between the provinces, but the question he meant was, whether it would not be practicable to consolidate those provinces—that was to say, to establish a complete re-union of the two, so as to place them in the relation to one another they occupied before 1791 ? That he thought a subject well worthy of inquiry, and though he did not mean to give an opinion of his own on the subject, he begged to mention that he had found on perusal of the debate on the subject in 1822, that Sir James Mackintosh made no great opposition to the measure then before the House having this object, but that he went so far as to approve of it. He would also make a few observations with regard to the intentions of her Majesty's Ministers in conjunction with this Bill. It appeared to him that the subject must not be considered by itself. As to any declaration of the intentions of her Majesty's Ministers, he had not been able to find it from the common reports, nor to extract it from the speeches that had been addressed to their Lordships. He had listened with the greatest attention last year to the very able and eloquent speech of the noble Baron (Glenelg), but he could not find any positive opinion on the subject. If the noble Baron had one he had not made it known. When the noble and learned Lord (Brougham) stated his views of the proportionate advantages and disadvantages of holding our colonies, the noble Baron, in his answer, did not adopt or refute the noble and learned Lord's opinions. He thought that it became imperative on her Majesty's Ministers to declare their intentions with respect to these points, and to state whether they intended to preserve the colonies or not. Advantages were derived by the colony from the mother country, and the mother country derived advantages from the colony. In his opinion the advantages were reciprocal. It appeared that the colony had the advantage of the protection of the mother country, and participated in British commerce and in British institutions. The mother country, on the other hand, had the advantage of promoting its own trade, by extending its own commerce, and by providing for emigrants from this country, who would leave it carrying with them British feelings and British predilections. The colony, too, had this advantage, of not paying as heavy taxes for the protection it enjoyed as under other combination of circumstances it might be compelled to pay, or which it would be obliged to contribute if it were perhaps in a state of independence. The time would come for the colony to separate from the mother country. But, perhaps, that separation was not sought for merely in those quarters of Lower Canada which were in a state of revolt; but there might be the same feeling also prevailing in other parts of the colony, where there was a greater predilection for the institutions of America. One noble Lord had alluded to this separation in terms of eloquence which he could not venture to imitate. That noble Lord had said, that a time might come when British colonies might wish to separate from them, and to such colonies they could say, "We protected you in your infancy, we have given to you institutions that you value, but still, if you wish for separation, then follow that course which seems best adapted for your own interests—pursue that line which you are inclined to adopt, and may fortune attend you; but in separating from us you will carry with you the recollections of the great men of England; you will remember with pride how they have distinguished themselves in arts, in science, and in learning; with you we are by blood perhaps connected, and by name identified—farewell, and remember the country that fostered you in your infancy.

"Jamque vale et matris serva communis honorem."

Such might be their language, but they ought not to provoke that separation. They ought not to take the impatience of control for the maturity of the purpose of separation. But this he must say, that whenever a separation should take place from those loyal colonists, it ought to take place under circumstances that must induce them to become faithful allies. But what he said with respect to the British colonists did not apply to the French Canadians. This class of men had been loyal to the French King, and they had become by conquest subjects to this country, and their obedience was rather to be looked for from their sense of honour than from their regard for this country; for notwithstanding their predilection for old institutions, and their being free from the crimes and offences of the French revolution, and though these persons were under the influence of strong aristocratical feeling, yet their antipathy to the British drove them into the contrary extreme, and they became the great advocates of republicanism. It did not appear, he thought, that they were inclined to an union with the United States, as they could not expect any advantage from that, and it was most probable that such an alliance would lead to an invasion of those institutions to which they were attached; nor could they have that independence to which they laid claim. It was, he considered, most important to know from her Majesty's ministers whether they were determined upon maintaining the control and dominion over these colonies; or whether they meant to anticipate the separation taking place at some time, if not at that very moment. He had no doubt he should be told, that they were determined to resist separation. Then he might be allowed to say, that when they made the declaration of their being determined to maintain a control over the colony, they ought to evince the sincerity of their determination. They said they would maintain their dominion over the colony; and yet not taking every means in their power to support their authority in that country, and maintaining it, too, against any invasion that might take place, was a proceeding not at all reconcilable with their declaration. The noble Duke had stated that they were at war, and that it was impossible for this country to carry on war upon a small scale. He wished to know, did her Majesty's Ministers adopt that maxim? It was a question which every one asked who was interested in the preservation of the colony, and to which every one wished to receive an answer. The answer, no doubt, that would be given again by her Majesty's Ministers would be "Certainly we mean to carry on war, and not war on a small scale." But then came the definition of the noble Duke as to a war; and the manner in which it ought to be conducted—that was, by as great a force being sent there as the resources of the country would allow. This was both a military and a political opinion given by the noble Duke, and he confessed he had great deference for that noble Duke, both in his military and in his civil capacity, upon such a question. The question then came, if a large force was to be sent, whether it was to be sent from the forces in this country, or at its command now, or was it to be sent by means of making an addition to the army? He certainly thought it was most important for them to know whether an additional force was to be sent to Canada by increasing the army, or by taking forces from this country. He had heard a report upon this subject which he considered it to be his duty to mention. It was, that the noble Earl (the Lord Lieutenant of Ireland) had declared that he could spare a considerable force from that country. He did not know whether in making such an offer the noble Lord had not over estimated the tranquillity of that country. He did not know whether the

> "Dux inquieti turbidus Adriæ,"

he who had the province of settling, as well as of raising, the waves of civil commotion, was so inclined that the troops could with safety be spared from Ireland. He did not know whether that same person might not consider the time of their removal a convenient time, not for the commutation, but for the total abolition of tithes, that which he had threatened their Lordships would be the consequence of their rejection of the former Tithe Commutation Bill; a threat, too, which had been reiterated in that House, or if not, distinctly intimated as the inevitable consequence for which they should be prepared. He did not know that there would be either prudence or wisdom manifested in the withdrawal of that force from Ireland, even if recommended by the noble Lord the Lord-Lieutenant of Ireland. If the noble Lord recommended the removal of the troops upon the ground of the tranquillity of the country, he could reply, that their Lordships might see, by *The Gazette*, specimens of that tranquillity which it enjoyed. It showed, at the same time, the tranquillity that existed, and the discrimination of the noble Lord in offering rewards for the discovery of particular offences, and which of them it was that he most anxiously desired to be brought to justice. It was his opinion that Parliament would not consent to a reduction of force in that country. Whether that should prove to be so or not, he must be allowed to say, that that was a point which must, if not on this occasion, yet very speedily at least, engage the attention of their Lordships. In the remarks he was now making, nothing could be further from the feelings which actuated him than the spirit of party virulence. He did not pretend to represent the opinions of others, he spoke only his own; but he believed a great proportion of her Majesty's subjects, of extensive influence and large landed and other property, did feel there was a a kind of incapacity in the present Ministers of the Crown from which they anxiously desired to be liberated. He would confess, when he looked at the high power and influence of the noble Duke—power and influence which were never greater than at the present moment—he could not help sometimes regretting that that noble Duke and a right hon. Gentleman in the other House did not take more active measures of opposition to the Government. In moments of irritation and disgust, excited by the feebleness or irresolution of the advisers of the Crown, it was natural that he should lament the absence of that activity; but that had led him to remember that those who were to incur no responsibility should not be too prompt to condemn. But something might be done by those who acted with those statesmen, or acted on the same general principles which guided them—not by active opposition to the Administration, but wherever there was a failure of intention or an infirmity of purpose on their part, or a declaration of purpose and vacillation in carrying it into effect, by passing resolutions as to the state of the country and the colonies as they might seem to be called for. He hoped that they might be extricated from the difficulties that now embarrassed their condition, either by the introduction of a measure of conciliation in the present Session, which would finally settle all disputes, or, if the contest was to continue, by conducting the war upon that extensive scale which the noble Duke had pointed out—an advice, in the propriety of which he believed a majority of this House, and probably of the other House of Parliament, agreed with him. But there remained one consideration—whether a force sufficient to hold the country could in the mean time be maintained in Canada in the face of all those difficulties and dangers which would assail it. There was an uncertainty and hesitation about the proceedings of Ministers which little became the present conjuncture; and if there were, it would not be expecting too much of Parliament that they should give them the benefit of their advice and direction. If that were withheld, this country might be plunged into difficulties so great, that even if the present servants of the Crown were to make a hurried retreat from office, and more worthy advisers to be called to the councils of their Sovereign. It might be impossible to extricate our affairs. It would then be impossible to attain results so advantageous as might now be attained by passing a measure of conciliation—a measure that would settle all disputes—that would protect the loyal and curb only the ill-disposed—but he was confident that it was only by pursuing a course in which firmness was united with conciliation, that they would be entitled to the respect of other nations and the gratitude of their own.

The Marquess of *Lansdowne* said, he had taken an opportunity of rising at an earlier period, but had given way with pleasure when he saw the noble Earl about to address their Lordships, the more readily that he did not mean to go through the various topics brought forward in the course of this discussion, but merely to reply to the only observation made by way of objection to the bill, which had fallen from the noble Baron opposite (Lord Ellenborough). Before he proceeded to do this, however, he would notice one or two, and those the most material points, on which the noble Earl who had just sat down had insisted. In the first place, he closed entirely with the opinion stated by the noble Earl in the commencement of his speech, that it was on the ground of necessity alone that this bill could be recommended to their Lordships. He entirely agreed with the noble Earl, that it contained a destruction of the constitutional rights of the Canadians, to which, had those constitutional rights been exercised in a way that was at all consistent, he would not say with the safety and honour of this country, but with the safety and prosperity of Canada itself, it would have been utterly impossible for their Lordships to consent. He agreed in this with the noble Earl, and he thought it a matter of comparative indifference whether this opinion were declared, as was once proposed, in the preamble of the bill, a mode of enunciating it afterwards abandoned in compliance with the suggestions of others, or conveyed in instructions laid on the table of the House, or made the subject, as the noble Earl would prefer, of a direct message from the Crown, or expressed, as he thought would be far the most desirable plan, as regarded its effect on the colonies and on foreign states, in the declaration now recorded, of every man of any consideration in all parties in this and in the other House of Parliament, including, he was glad to find, the noble Earl himself, that necessity was the only foundation on which the bill rested. It was a corollary of that proposition thus stated, and it was evident at the same time from the language of those who recommended this measure to their adoption, that when the necessity ceased the operation of the bill ought also to cease. Far from its being the object of this bill to eradicate the principles of constitutional government in Canada, its object was to provide for the re-establishment, at the earliest period consistent with the admitted necessity of eliciting the opinion of the Canadians, of a government adapted to the wants, and agreeable to the feelings, of the various classes of the population. At the earliest period which that necessity would allow, they would be prepared to apply their minds, so assisted and so instructed, to the establishment of a free constitution which would work, replacing a free constitution which did not work, and which they had evidence on the table to show could never work satisfactorily. The noble Earl having stated this doctrine, in which he entirely coincided, had proceeded to put what he no doubt considered to be an important question, judging from the earnestness of the noble Earl's manner and the length of the statement into which he had entered—a question to which he should have no difficulty in replying—whether it was the intention of Government to retain possession of the colonies. Without hesitation he answered that it was the intention of Government to preserve the colonies, nor did he know anything that had fallen from the lips of any of his noble Friends which could admit of any doubt on the subject. It did so happen, if the noble Earl's suspicions were to be awakened with respect to the possibility of a separation of the colonies from the mother country, it must be not by any opinions stated on that side of the House, but by opinions expressed on the side on which his noble Friend himself sat. No person on the Ministerial side had ventured to designate any period at which a separation could advantageously take place; and his noble Friend (the Earl of Mansfield) at the moment that he declared it was the tendency of all colonies in their progress to prosperity to attain a state in which, from the development of their resources, a connexion with the mother country would be no longer desirable, distinctly affirmed that no reasonable man could at present point out, or even anticipate, the time at which it would arrive. Why, then, did his noble Friend ask if Ministers now anticipated such a period? Most clearly it would be inconsistent with their duty to act on the belief that there was any such definite time, though undoubtedly they might participate with the noble Baron opposite, the noble Earl, and, in fact, with every man who contemplated the progress of civilization and the advancement of nations, in the supposition that there was a possible state of things in which such a separation might take place with benefit both to the mother country and the colony, as it had taken place he was ready to admit, beneficially for both parties in the case of the United States. He (the Marquess of Lansdowne) was not prepared with any theory on this subject; he did not suppose the noble Earl could mean to call on Ministers to lay down any theory binding themselves—binding Parliament—involving in the obligation future Governments, by which they would be required to dissolve the connexion with a colony when it should attain a precise amount of population, of commerce, or of revenue. The noble Baron opposite, quoting an expression employed by the noble Duke in a work from which he might well borrow, inasmuch as it was replete with maxims of the soundest practical wisdom, derived from a series of most important events—an expression used in one of the noble Duke's despatches, had said, that it might now be desirable in Canada, as it had once been apprehended in the Peninsula, to go out when you could, like a gentleman, through the hall-door. He could only say he did not think the occasion did now exist, or had yet existed, in which the hall-door was thrown open for them to make an honorable retreat. On the contrary, he maintained that their condition in Canada was such as to exclude them from making such a retreat. He, for one, was not prepared to make it; he would not advise its being made; and so long as the honour of her Majesty and of this empire demanded it, no effort on his part would be wanting to prevent it. It would be disgraceful to the country to abandon to themselves the population of her colonies at the present crisis. The theory of the advocates of separation, as far as it had been laid down, supposed that the people of the colony were themselves favourable to a dissolution of the connexion with the mother country. But there was the strongest evidence that the feeling of the great majority of the Canadians, not the British party alone, but the French party themselves, were strongly opposed to the separation. Many of those who had taken part in the discussions in the other House had argued that the inhabitants of Canada were unanimously eager for a separation; but he was fully convinced that those who cherished that wish formed but an inconsiderable section of the population. If it were required to put forward any justification for that which had been termed a spirit of hesitation and delay in conducting those proceedings, it was, that that apparent delay was caused by a reluctance to have recourse to measures of constraint and violence. The manifestation of that reluctance had been attended, he was persuaded, with a very beneficial effect in convincing the great proportion of the Canadians that there was no desire on the part of the Queen's Government, but on the contrary, the greatest unwillingness, to depart from a system of constitutional government, and that evils of every kind, even those attendant on delay, would be encountered rather than they should incur the false imputation of seeking an opportunity to overturn the constitution of the colony. He repeated, that the policy of Government had been attended with the very best effects; and that the moral interests of the French population of Canada had been in a great degree detached from those of the agitators, who had made an exhibition that he trusted would be followed by the subversion of any influence they might chance to have possessed. Almost all the respectable part of the French population had for the last two or three years kept aloof from the proceedings of the agitators, and had shown increasing attachment to the throne of Britain. It had been most justly said, that it was desirable, before passing a final judgment on the bill, to be possessed of the latest accounts from the province, and he was happy to say that these accounts stated that address after address was pouring in from the French population, who had taken no part in the revolt, expressive of their loyal devotion to the Queen's Government, and their abhorence of those arts by which the agitators had seduced a portion of their ignorant countrymen to join the ranks of rebellion. He stated, then, most distinctly, that it was the determination of the Queen's Government to uphold British connexion, but the noble Earl was not satisfied with this, he demanded to know, whether it was their intention to use the means to carry this determination into effect. He had as little hesitation in answering this question as the other. Undoubtedly it was the intention of Government to use all the means that were necessary for the purpose of giving full effect to their determination. They believed that they had those means at their disposal; but if they should prove to be mistaken, they would with confidence apply to Parliament to grant them the means, in the certainty that Parliament would not refuse to grant to the advisers of the Crown, whether those who now discharged that high duty, or those whom the noble Earl opposite wished to see substituted in their places, the means of carrying on the contest on a scale commensurate with its importance, and with its probable effects on the disposition of other nations towards us, for the purpose of vindicating the honour of Great Britain, and of telling America and Europe that, if there ever should happen a severance of the connexion between this country and its North American colonies, it should be wished for, and fairly agreed on by both parties, and not rendered degrading to the mother country by being forced on her by the violence of a paltry faction, or the armed hand of rebellion. He thought he had now answered the questions of the noble Earl. He would not follow the noble Lord into those parts of his speech in which he had adverted to the conduct of his noble Friend. He would revert to the purpose for which he rose originally—namely, to notice the objection which the noble Baron (Ellenborough) had made to the Bill. That objection was, that, whereas he considered it to be desirable to leave to the Earl of Durham, as Governor of Canada, discretion to act with the House of Assembly as he thought fitting on his arrival in that colony, this Bill absolutely deprived that noble Earl of any such discretion. Now, he thought that one of the great advantages of this Bill was, that it did not leave to his noble Friend any such discretion. He thought it desirable that a change should be made in the constitution of that colony, and he should be sorry to throw upon his noble Friend the odium which would be attached to him if he refused to convene the House of Assembly when he had the power to do so. Moreover, he thought that the power of patching up that constitution, which had proved an entire failure, should not be left either to the House of Assembly or to his noble Friend. He had no hesitation in answering the question which had been put to him by his noble Friend, and to say, that his object was to hasten the period of the separation of the colony from the mother country, in the sense given to the words by his noble Friend on the opposite benches—namely, that whatever was done by England to promote the liberty, advance the interest, create the prosperity, and cement the happiness of the colony, did in its inevitable tendency hasten the period when the colony must of necessity become independent. In no other sense ought the Government of England to promote the separation of her colonies from her authority and protection. In that sense the duty which his noble Friend, the Earl of Durham, would have to discharge in Canada, would be to see how far he could reconcile the enmities which had sprung up out of the dissentions which had unfortunately prevailed for the last ten years—how far he could conciliate those differences of race and language, which at present rendered any attempt to erect the colony into an independent state undesirable for its own tranquillity, and how far he could bring together those agricultural and commercial interests which were now opposed to each other, but which he believed to be in Canada, as elsewhere, inseparably blended and connected with each other. He would not trespass further upon the attention of their Lordships—he would not enter into the refutation of the long series of misrepresentations which had been made at their bar on a former evening by the learned gentleman who had addressed them at so much length, though there was one of that learned gentleman's assertions with respect to a right hon. Friend of his in the other House of Parliament to which he was desirous of giving a distinct denial. "I beg leave," said the noble Marquess, "to state distinctly, that every single word which fell from the learned gentleman, respecting the conduct and observations of my right hon. Friend on the occasion to which he so pointedly adverted, is not founded in fact, and that the statement which the learned gentleman made to your Lordships from the bar must have proceeded from an entire want of recollection of everything that really did occur. If I were to go into a statement of what my right hon. Friend assures me that he did say, I could show your Lordships, that the statement was supported to its letter, not only by the speeches, but also by the writings, of the learned gentleman himself. I am ready, when the occasion arises, to enter into such a discussion; but at this late hour, as the subject has not been referred to in the course of the debate, I think it unnecessary to enter upon a subject with which I admit that it has no necessary connexion." The noble Marquess concluded by stating, that he gave his cordial support to the present Bill.

Lord *Brougham*, when he reflected on his position in this House during the former stages of this bill, and compared it with the altered position in which to-night he found himself, to observe the contrast between the two was remarkably encouraging and pleasing to him. He no longer could be said to stand here alone to denounce this measure. He no longer could be complained of as being left unsupported on all hands in his opposition to this bill of tyranny and injustice. He no longer stood up among their Lordships to have levelled at him—sometimes the lighter missives of sarcasm and taunt—sometimes the heavier artillery of statement though seldom indeed anything approaching to argument. He no longer stood there to have all those matters launched at his single and unsupported head; but he had the gratification to know that he had lived to see truth making its way, and to find himself supported by some of the most respectable members of their Lordships' House, in what he formerly should have reckoned in that House as it almost universally was out of doors and in the other House of Parliament, the most hopeless part of his whole views. And if to be supported in his views, if to find an advocate to back and stand up for constitutional privileges, were grateful to him—as it was to find himself supported on those principles—how much must his gratification be heightened when he found that, besides the respectability of those supporters in point of talents, experience, and character in that House, who had lamented, as the one did, the unconstitutional and arbitrary nature of this measure, and as another did, who actually announced his determination to vote against it for its injustice—those two descended from and bore the honoured names of two of the greatest luminaries of the law—the greatest, perhaps, in the administration of justice that this country ever produced, and who had left to their descendants a prouder inheritance than the titles they won for themselves and bequeathed to them, viz., their own unextinguishable love of the liberties of their country and adherence to its laws, and abhorrence of their violation. He might well feel pleased with that change in his present position, for he could no longer be denounced as a partisan, an encourager of rebellion, and taking the part of the revolters. He had even been designated by a pretty plain indication, as like Catiline, for that he had rushed out of the House as that ancient senator had done, for that he had rushed out of the House as that Roman senator did after he had delivered himself of a long, and apparently, by its effects, a not unforeseen oration, against the Lord Glenelg of that time. He admitted that the comparison was not to be carried fully out—there was not another such as the noble Lord; but if he had not a companion in these proceedings to the whole extent to which the likeness might have been borne, the comparison was good in the most essential and important particular—that of objecting to the gross injustice of this measure—a measure which outraged every principle of justice—punishing the innocent with the guilty—making no distinction between the wrong-doer and those who had aided in repelling that wrong-doer—subjecting the whole province to the loss of their liberties because a few parishes in a single county had attempted an unsuccessful rebellion—thus punishing as well those who, instead of revolting, alone enabled the Government to put that revolt down, without whose aid they never would have succeeded in putting down the revolt—punishing them with the same loss of their liberties which it was said the Legislature had a right, with, as it was called, a just severity, to inflict on the rebels themselves. Now, he was told, that the delays which had marked this proceeding, begun as it was in the month of last March, and continued as it was by slow stages, first through the month of April, then through that of May, then through that of June, and then through all the months of the last year; now he was told that those delays were not accidental, as some had asserted — were not unintentional, as others had supposed—did not arise from want of vigour and activity, as a third party had contended, and did not emanate, as a fourth party insinuated, from an inveterate habit of wavering and infirmity of purpose. No, it was all design—it was all virtue—it was all system—it was all that natural but invincible repugnance which the framers of this measure had to entering upon a course which might be understood to savour of strong measures, of harsh measures, of unconstitutional measures, of measures of severity towards the colonies—it was all a reluctance to intrench on the privileges of the colonists, and to suspend their legitimate constitutional rights. The longer one lived the more one wondered. It was just in the verge of probability that those who impeached and those who defended this measure—friend and foe—combatant, by-stander, and looker-on, were all deceived and misled as to the intentions with which her Majesty's Ministers had propounded it. Instead of a fault, the bill might be a perfection—instead of being arbitrary and oppressive, it might be that it was a mild, wise, and just policy which dictated the present conduct of the administration. Was it so? It would be odd, if it were true. Certainly nobody could have suspected it, and if his noble Friend, the Secretary of the Colonies, had not given the weight of his great name and his high authority to the assertion, he should have been disposed to say, and he meant to say nothing harsh—that it was utterly impossible for any man of common sense to credit it. He would venture to predict that the whole proceeding would be continued in the same style in which it had commenced. If it were reluctance that was shown in the beginning, their Lordships might depend upon it that they would find the same reluctance continued to the end. But the fact was, that on the part of Ministers there had been no reluctance to pass those resolutions. They rushed into the thick of the matter on the 6th of March. The time for their reluctance was when all the mischief was done. They had applied a vigorous promptitude to a wrong part of the proceeding. As he had said three weeks ago, they were rash when they ought to have deliberated; but mighty slow, when they ought to have rushed into action. Still he would predict from all that had recently transpired, that there would be the same reluctance in executing, as there had been in framing, their plan. How could it be otherwise? Were the men of constitutional principles who were so slow and reluctant in bringing in their bill likely to be not slow in sending out their bayonets to Canada to carry it into effect, by putting down the constitution and taking the money of the colonists? He asked now, as he had asked three weeks ago, how it happened, if it were necessary to send out a dictator to destroy the constitution of Lower Canada because some few parishes in it had revolted unsuccessfully, that instead of going immediately, their noble emissary delayed so long in faring forth to the place of his destination, as if rebellion looked to the almanack, as if state affairs depended on the barometer, and as if hostilities ceased, as in times of old, at the commencement of the first frost, and were not to be resumed till the appearance of the second or third swallow? As this observance had long been dispensed with in modern war, he was at a loss to conceive how it happened that the noble Earl was not to get the seal of his government till the month of April. If his noble employers felt constitutional qualms about suspending the constitution of Lower Canada, how much greater must be the constitutional qualms of their noble emissary, whose language had always been more vehement than theirs in support of popular rights and privileges? It was as plain as a parish church that the reluctance in him was much greater than in those who framed the measure. He could not be persuaded to go till he had tarried so long as to satisfy the people of Canada of his extreme reluctance to undertake the mission, so that when he arrived there he should have made it manifest to all mankind in that province that his consent had been wrung from him like drops of blood to administer an unconstitutional measure, and for a harsh and tyrannical purpose. He would now return to the short point which alone remained for discussion. His noble Friend who had been listened to, as he always was in proportion as he deserved to be on all subjects, but on no subject was he more deserving the attention of the House than this—his noble Friend, the Marquess of Lansdowne, differed from the noble Baron sitting near him in his opinion as to the course which ought to be taken with a view to the common object of settling these important matters of difference, and accomplishing peace. He differed in this; it was his noble Friend's opinion that the differences could not be settled here, but that they must be arranged and settled in Canada. Did not his noble Friend perceive that, though his opinion might be sound in itself, it was no argument in defence of the present bill? His noble Friend was supposing—if he did mean to use that argument as a defence of the measure—that the present bill gave the noble Earl no power of supplying the measure that might be necessary to an arrangement. The bill gave no such power; it did not even point towards that direction of the compass: it pointed in a totally different direction. It pointed not to settlement, but to inquiry—to non-settlement and delay; it pointed, therefore, towards the very opposite direction of the compass. Instead of sending out Lord Durham to settle the question, the effect of his powers would be, if possible, to render it more unsettled than it now was; instead of sending him out to make an end of these disputes, the effect would be, at best, to leave them as he found them. Whatever new powers he possessed would be not only unauthorised by the act, but contrary to the act. His instructions were—inquire, inquire, inquire—report, report, report. It was one thing, therefore, to ask him to agree with his noble Friend, who wanted an emissary with full powers to settle the dispute on the spot—for he said the dispute should be settled on the spot, not here—and quite another thing to call upon him to approve of this bill, which gave no such powers, which tied up the hands, and which rendered it totally impracticable for him, unless he violated the instructions given by the act, to settle any of the questions or smooth in any manner or way the thorny difficulties which beset them. It was the mere inefficacy of this plan, the utter discrepancy which existed between the powers of the bill and the object to be accomplished, of which he had complained when he last entered upon this painful and he feared hopeless discussion. In order to make an end of the dispute, even on the principle of his noble Friend opposite—in order to the possibility of getting the question settled amicably and satisfactorily to both sides of the water, it was necessary they should send a governor or negociator, with full powers not only to treat, but to grant as well as treat: but here they were hardly giving even power to treat; they had told Lord Durham to inquire; and also comparing the speech of his noble Friend, the Colonial Secretary, with the bill itself, they had disclosed what were their notions as to the speediness with which the prescribed course being pursued, a settlement should be arrived at. How long did the bill say Lord Durham should be there for the purpose of completing the inquiry? Two years. Two years, therefore, according to the framers of this measure, during which inquiry should last; and until the end of those two years, the Legislature of the mother country, which could alone adjust the question, was to be understood not in a capacity to settle it. [Lord *Glenelg:* Two years is the *maximum.*] The noble Lord said two years was to be the *maximum*, but when he recollected the constitutional repugnance of the noble Lord to all harsh proceedings, as displayed through the whole of these proceedings, he could not but think, that the *maximum* and *minimum* were likely to be coincident quantities. He asked, in common justice and consistency, why should they punish a whole people for the offences or errors of a few? It was perfectly evident, that the Executive Council contemplated no such measure as this—that was demonstrable by the quotation which had been read by the noble Baron. Was the bill, then, likely to work the purposes of conciliation? That question was answered already. Whatever information Government might wish to have—whatever further knowledge they might desire to obtain by the intervention of Lord Durham for two years or two months on this head, no further inquiry, no further knowledge, was necessary upon this point. Unhappily they knew the effects this bill would produce from the circumstances attending the resolutions of last Session. If resolutions taking the power of the purse, seizing on the strong chest, and spoliating the money of the Canadians, because they in the exercise of rights which we had given them refused to give it up voluntarily themselves—if resolutions leaving the right in all other cases—leaving entire and untouched the whole constitution of 1791—leaving it as amended in 1831—if those resolutions produced first discontent, then disaffection, then revolt, then actual rebellion,—(and who was bold enough to deny that all these had been the consequences of those resolutions — resolutions harmless, compared with this bill—mere water compared with the bitter drugged potion they were now commending to the same lips?)—who, he asked, would doubt that this bill, following up those resolutions, carrying them ten thousand times further, adding to those resolutions, bad as they were, an actual abolition of the constitution and the substitution of a despotism in its room, sent out to them by a dictator to rule over the Canadian people, without one single representative, without check or control within the body of the colony itself—good God! did any man profess to be sanguine enough, or pretend to be unthinking enough, to hesitate for one moment in the conviction, that if the former resolutions had occasioned revolt, the present bill—he used no harsh language, he purposely avoided prophecy—would, at all events, not be found to pour balm into the wound which was rankling from the lesser infliction of the resolutions of last May? Grievously, therefore, should he be disappointed, if he found his noble Friend ever proceeded on such a measure with such powers, his hands tied up as they were by this bill—grievously should he be disappointed, if he consented to put himself in such a predicament by going forth on such an errand. He owned he should not be disappointed at all, however much he might regret, if the most deplorable consequences were found to result inevitably from the measure with which they were now following up the resolutions which first produced the mischief. He said the bill not only did not give powers to Lord Durham, but it tied up his hands: it seemed carefully framed with the view to prevent him from exercising any ample powers. He was to make laws undoubtedly alone, or with a council of his own choosing, which was pretty much the same thing. He was to make laws for the colony, but those laws were only to be such as the Canadian Assembly before him, and which he suspended of its functions by his proclamation, would be entitled to make if this bill were not passed. The restrictions on the power of the Assemblies by the act of 1791 were these—that no law could be made by the Colonial Legislature that was repugnant to, or inconsistent with, that act itself. Here, then, was one fetter imposed on Lord Durham's hands: he could not make any law inconsistent with the act of 1791. Such was the effect of the provisions of this bill; he presumed it was so intentionally. He knew that the attention of the Government had been called to the subject in the other House of Parliament by a high legal authority; and he took for granted, that the resources of law at their command had satisfied them that the construction which the words justified would accomplish the object they had in view. But that was not all; Lord Durham was not allowed to make any law whatever which trenched on any act of the Imperial Parliament, or on any act of the Canadian Legislature, repealing or altering any such act. There was another very usurping deduction from those powers of legislation which his noble Friend, the other evening, stated to be so immense, as though no man had ever possessed such extensive powers before. He (Lord Brougham) very much doubted, whether any man had ever before been sent on such a mission with so many restrictions instead of amplitude of power. There was very little to empower, but very much to tie up and restrain, from the beginning to the end of this very singular Act of Parliament. Then followed a whole list of exceptions—as to money, as to colonial and electoral districts, as to the right of voting, as to the functions of the Assembly, as to the time and mode of calling it together, even as to dividing the unions of parishes, and counties, and districts, for the purposes of elections: with respect to all these subjects, the whole of this ground was tabooed against his powers, high, ample, unparalleled as he believed them to be, and Lord Durham was to be confined, tied down within the simple narrow sphere to which he had already directed their attention. But there was another point to which he wished to call their attention: the laws which Lord Durham was to make were to last, according to the provisions of this bill, not till 1840, when the constitution was to be restored, but for two years afterwards, till 1842. This question then arose, which he hoped had been well considered—what would be the relative positions of Lord Durham and the revived assemblies? Would the revived assemblies have the power of repealing or altering the ordinances of Lord Durham during those two years? He had read the act without being able to form a satisfactory opinion, whether those ordinances might be repealed or altered by the assemblies when their suspended animation ceased, and when they came into life again in 1840. It rather seemed that Lord Durham's laws should continue in force four years and a-half, that was till 1842, but there was no provision of this nature—"unless altered or repealed by the Assemblies." He looked on this measure as carrying within it, not the promise or earnest of peace, and the chance of conciliation, but rather the seeds of war; he was not, therefore, very nice in examining its features, in surveying its lineaments, in looking to see whether there was any particular symmetry, or any great consistency, in the structure of its parts; he could not help thinking, however, that when another infant, the origin of an Iliad of woes, was produced to the gossips of Troy, and when they looked on the interesting babe, they must have found much more beauty in it to have compensated them for all they had suffered, than our gossips in these days were likely to do when they came, as he hoped they would to-morrow, to survey the offspring they were now ushering into the world. The symmetry, the consistency, and harmony of its parts would be found by no means remarkable. He would offer no amendment. He took no interest in the bantling whatever; he viewed it with abhorrence; he regarded it with feelings of disgust; he considered it a hateful progeny; he would lend it no helping hand whatever; if he did, he believed he should receive no thanks from those nearly connected with it; he would examine it no further; but he was satisfied of one thing—if its long delay had been lengthened out still further, it would have been happy for this country and happy for the colony. But he hoped before it was finally assented to, its features would be compared with the views he had just now flung out, in order that the other mischief might not take place to which he had shortly adverted, of not only sending out this measure with all its faults on its head, but stirring up a legal controversy, raising doubts and difficulties in respect of legality, to make our other proceedings still more intolerable. The noble and learned Lord then alluded to the policy and wisdom of establishing colonies at a time when the exclusive system of foreign powers shut out this country from commercial intercourse with those colonies. But when the colonies we had established were capable of standing alone—when they were fit for the task of self-government—when they could do without our aid, as happily, by the eternal decrees of Providence in the course appointed for nature as well as art, and society as well as nature, we could also do without them, the two purposes of each happily coinciding—the one being able to leave our care, and we able to carry on our commercial and other speculations without their aid—then it was that we reaped the richest harvest of all our former pains and cares; for then we secured a natural ally—a natural market—a people whose circumstances were such that they wanted what we had in superfluity, and we wanted what they had in superfluity—the best definition of a profitable market for both parties; and, above all, they having the same blood and origin—the same constitutional laws—the same language—the same manners—would be more or less our natural friends, our natural allies, and our natural customers, from those physical and moral relationships, which no severance of political ties could ever put a stop to or relax. It was the great benefit of colonial establishments, that in different degrees and kinds in their infancy they helped us as well as we helped them, and, in their maturity, when separation became inevitable, they helped each other, in the increased proportion of our intercourse with independent America as compared with that intercourse during our former political and proprietary empire over it. But, let them remember that all these great advantages depended on the temperate manner in which we quitted the partnership, and the feelings in which the long-subsisting tie was severed. If those feelings were animosity—If wounds were left rankling on both sides, then we could no longer expect anything like the natural, and, in all other circumstances, what under the dispensation of a wise and just policy should be the inevitable advantages of the future intercourse with that independent state. His prayer was, that we might so order our policy with respect to North America, that when the hour of separation did arrive, as sooner or later, by common consent come it must, we might be found to have done nothing that should leave such a wound to rankle, but that the relation of colony and mother country—the relation of temporary dependence and sovereignty on either hand, ceasing in the course of nature, other relations might be substituted of one free state with another—not enemies, but in the utmost honest emulation of rivals on all substantial practical grounds.

Viscount *Melbourne* was perfectly ready to admit that it was never too late to stop short in a career of injustice; and most assuredly, if it could be proved that the charge of injustice was attachable to the Bill now waiting its third reading, he should think it by no means too late to pause in the course on which they had entered, or at once to alter it. But unless it were proved to be an unjust measure—unless it were unanswerably shown that what they were going to do was, as it had been over and over again characterised by the noble and learned Lord, iniquitous and impolitic—their Lordships would hardly deem it consistent with the interests of this great empire, or tending to have a good effect upon that which was now taking place in Canada, now, at this moment of time, and at this season of the Bill to stop short and refuse to proceed with a measure which had received the sanction of an overwhelming majority in the other House of Parliament, and had arrived at its last stage in that House without a dissentient voice hitherto raised against it, except that of the noble and learned Lord, until suddenly a new objection had been raised on somewhat new grounds, had sprung up on the present occasion. He, however, could not but consider that all those who had enlarged so much upon the dangers arising from past delays must at once acknowledge that Government would fail greatly in its duty if it now consented to alter its well-considered course in a matter of such vast importance, and to which the eyes of all persons, whether in America or in England, were anxiously directed. So far from being chargeable with injustice, the measure now before their Lordships appeared to him as thoroughly consistent with every principle of justice as any he had ever known, and that it was a just and necessary measure was clearly shown by the facts stated and admitted in the speech of the learned Gentleman who had appeared at their Lordships' bar as the Advocate of the Canadians. That speech was one of considerable power, of considerable talent and eloquence, an eloquence, indeed, not of the most soothing, or winning, or persuasive character, or well calculated to move the favourable feelings or win the affections of those who heard it, but it was at the same time altogether the speech of an advocate, omitting all enlarged views of the subject, and exhibiting only those narrow principles upon which he founded his case. The learned Gentleman had gone through various statements of the laws made, the proceedings adopted by the Assembly of Lower Canada, but he had omitted to make mention of any of those circumstances which rendered it impossible that the wishes of the Assembly could be carried into effect, But the learned Gentleman had admitted it to be quite true, as had been stated in the resolutions of the Imperial Parliament, that the House of Assembly had refused the supplies. The learned Gentleman had most readily admitted, over and over again, that for two years, "only two years," the Assembly had refused supplies, speaking of it as if it were nothing that for two whole years the entire course of public business should be stopped, the administration of justice prevented, the salaries of the judges and other civil officers refused, the means of education withheld, the roads unrepaired, the whole service of the colony, in short, unprovided for; as if this were a matter of no sort of importance, and of which no notice was to be taken. The learned Gentleman's condemnation of the Legislative Council was one in which, on the sound general principle, he must concur; but the constitution proposed by the learned Gentleman at the conclusion of his speech went to give entire independent power to the Legislative Assembly, as at present constituted. It was clear, however, even on the learned Gentleman's own showing, that the present state of things in Canada could not go on, and that it was essential for some measures to be taken for the better administration of the Government of the colony; and the most advisable preliminary step appeared to be that which had been determined on —to suspend, for a time at least, the present constitution of that colony. It had been said by noble Lords opposite that the revolt was not a sufficient ground for the Bill. He fully admitted, that revolt, that resistance, was not in itself a sufficient ground; but the whole working of the constitution for the last four or five years, followed up and consummated by the revolt, was ground sufficient for the Bill, and to manifest, that it was fraught with no injustice. The noble and learned Lord had asked, would they punish a whole province for the fault of a few parishes? but the answer was, that there was no punishment in the case. It might be an evil to have an arbitrary Government established over them for a time—it might be a great evil to separate from the mother country—but it was a much greater evil to exist for so long a time without any Government at all; and Government held itself bound in duty not to allow such a state of things to remain, and they fully believed that the measure they had framed would be accepted as a boon by all the thinking and well-disposed men of all parties, and by all the inhabitants of the province. A noble Lord opposite had given it as his opinion, arguing on what had passed before, that this would not be well received by the settlers of English descent. He had no reason to expect this to be the case: he fully believed that the measure would be acceptable to all parties. The noble and learned Lord near him had complained that the powers intrusted to the new Governor were restricted in their character. He should have rather expected the complaint to have been the other way—that the powers were too extensive, were tyrannical, despotic; but, notwithstanding the noble and learned Lord's view of the matter, he confidently believed that the powers intrusted to Lord Durham would be found fully adequate to the purpose, and though unquestionably the noble Lord did not go out with powers absolutely to settle, finish, and arrange, yet that he had powers sufficient to enable him efficiently to prepare matters for the final and complete arrangement of the affairs of the province. The noble Lord opposite had gone much into the general question of colonial policy, and as to the prudence of considering closely the advantage which colonies were to the mother country, and as to the wisdom of looking at some future time to the separation of such colonies. There might be some sagacity in the remarks which had been made on this point, but he (Viscount Melbourne) had some doubts as to the policy of making them on this occasion. It was extremely doubtful policy to hold out temptations to separation on every trifling event, on every slight quarrel, on every small difference; and it must be recollected that however this might be considered in a commercial or political point of view, recession, the drawing back, the contraction of territories was no trifling matter. It had never been found easy. The boundaries of an empire might easily be pushed too far, it might be difficult to maintain them, but the drawing them within a smaller limit had never redounded to the credit or the safety of an empire. The noble Lord had said that all nations had parted with colonies at one time or another, and it was true that this country had at various periods lost great foreign possessions, while her greatness had survived the loss; but still it was impossible to deny that the loss of these had given us at the time great shocks. The voluntary parting with colonies was quite a novel idea. The separation of the United States from this country had been adverted to by the noble and learned Lord who stated that the grandeur and power, and prosperity of this country had not suffered by the event. Perhaps such was the case; but at the same time, it was quite impossible for us to decide what would have been the case had that event not taken place, and we had still maintained our dominion over those states. It was well known, however, that the war with those colonies had cost us a great deal of blood and treasure, and some loss of reputation? but still it could not be shown that we should have stood better if we had given way at the time the declaration of independence was made, instead of carrying on the war to its close in the manner we did. The noble and learned Lord had said, that everything in these cases depended on the temper of mind, the tone of feeling with which we quitted partnership with our separated colonies; yet, although the tone of feeling in which we parted from the United States was none of the most affectionate, our intercourse with those states most rapidly and largely increased after the separation. These were speculations, however, in which it was better not to indulge; it was their Lordships' duty to maintain the territory, the possessions which England possessed; and he believed that we should be fully able to maintain them, not merely by force of arms, but by the good will, the friendly feelings of the inhabitants of those countries; and he had no doubt but that, when peace and order were restored in Canada, means would be promptly found for cementing the union between that province and the mother country, by acting on those principles which it would be absurd to depart from, of considering the local nature of the case, the character of their Government, and acting strictly on the principles of constitutional liberty and freedom.

Earl *Fitzwilliam* feared that this measure was the forerunner of greater difficulties than the Government appeared to anticipate; but if any individual was more peculiarly qualified than another to meet the exigencies of the case, it was the noble Earl who had been selected by the Government. If the resolutions of Parliament, last year, were received with such disgust in Canada, even as was acknowledged, by the friends of the connexion with this country, what must be the effect of this Bill when it reached the colony? He did not like the words "French party," or "English party;" but, it was well known, that many of the latter party had taken the side of the former. He felt it to be impossible to acquit this Bill of being a great measure of injustice towards Canada. For it seemed to him to be extremely doubtful whether, after the passing of this Bill, it would be practicable to reconstruct a free and constitutional government in Canada. He was persuaded that the authors of the measure would be disappointed in their expectations of success. When he used the term "authors," he did not mean merely his noble Friends, but the people of England, who seemed to have rushed with an incredible blindness into the opinions which they held upon this subject. Under these circumstances, regretting, as he did, to vote against the noble Lords who now occupied the Ministerial Bench, he could not satisfy his conscience if he had allowed the Bill to go to a third reading without briefly expressing his sentiments upon it. He could not but fear that we should have all the scenes of the American war acted over again; that we should experience the same Iliad of woes that were experienced between the years 1768 and 1782; and that we should come out of the contest weakened, and in reputation, and every other respect materially injured by the struggle.

Bill read a third time.

Lord *Ellenborough* wished to propose an amendment, providing for a very possible case; namely, that when the Bill arrived in Canada, it might be found that the Legislative Assembly was dissolved; an event which accounts from that country showed was by no means improbable. In that case the Governor would go out and find that he was unable to obtain that aid and advice which it was in contemplation he should receive. He proposed, therefore, a proviso to the effect that, "if on the arrival of the Act in the colony the Legislative Assembly should be found dissolved, and a new Assembly called, or if, after the arrival of the Act in the colony, it should be thought expedient by the Governor to dissolve the Assembly and to call another, it should be lawful for him to do so, and that the proclamation of the Act should be postponed until it was the pleasure of the Governor to order it to be proclaimed." To him it appeared to be perfectly impossible so to alter the character of the several districts in Lower Canada as to prevent the Assembly from representing the French party; and he was persuaded, that it would be quite as impossible two years hence as it was at the present moment. It was evident that the object of the Government was, that no Lower Canada parliament should ever meet again. Their intention evidently was to endeavour to effect a union of the two provinces. He was sure, however, that in that attempt they would fail. They would then be driven to call a parliament in Lower Canada again; and if they found such a parliament unmanageable at present, how much more so would it be after the passing of this Act? In fact, it would become impossible.

Lord *Glenelg* disclaimed all intention on the part of her Majesty's Government to form a union of the two provinces. In his opening speech on this Bill he had stated, that whatever speculative opinions might be entertained on the subject of a union, it was evident that there were great difficulties and objections in the way of such a measure. He had never contemplated such a step, unless it should appear to be the desire of both the provinces. He especially wished to guard himself from ever entertaining any such intention, except the minds of the inhabitants of both provinces should lead them to incline to a junction. He could, therefore, assure the noble Earl, that it was not at all the intention of her Majesty's Government to urge a union of the two provinces. Their object was only to endeavour to make such an alteration in the constitution of each province as might enable each to be better governed. He must object to the noble Lord's amendment. It was entirely contrary to the principle of the measure. It would counteract all that had been done, and would excite alarm and difficulty.

Lord *Ellenborough* repeated, that if it were intended at some time or other to call together a Legislative Assembly in Lower Canada, it would be impossible to take such a step advantageously after the passing of this Act. It was impossible to cherish a hope that, under such circumstances, any lapse of time should render it practicable to call such a Legislative Assembly together; for, during the whole interval, every means would be used to irritate the feelings of the people of Canada. They would be operated upon internally, and they would be operated upon from without. Persons from the United States would be constantly at work among them, endeavouring, by every possible means, to excite them in a way that must terminate in rebellion. He felt he had done his duty in stating his sentiments on the subject. He might be wrong. Considering to how large a majority he was opposed, the probability was that he was so; but being himself persuaded that the measure must fail, he was bound to express his opinion to that effect.

Amendment negatived, and Bill passed.

The following Protests against the third reading of the Bill, were entered on the Journals.

Dissentient,—

1. Because it appears by a dispatch from the Earl of Gosford, dated the 23d of December, 1837, that the measures adopted for putting down the revolt in Lower Canada have been crowned with entire success: that the principal instigators and leaders have been killed, taken, or forced into exile; that the revolutionary press is no longer in existence; that the disposition of the Roman Catholic clergy is favourable; that numerous offers of service have been made by large portions of the population in various parts of the province, to enrol themselves in volunteer corps for the defence of the Government; and that loyal addresses are pouring in from the French Canadian population in all parts of the province, expressing their fidelity to the Queen and their attachment to the British connexion, and strongly reprobating the selfish ambition and treasonable designs which have ruthlessly involved one of the fairest portions of the country in all the horrors of civil war.

2. Because, therefore, the averment in the preamble of the bill, that in the present state of the province of Lower Canada the House of Assembly cannot be called together without serious detriment to the interests of that province, is not only not supported by facts, but negatived by the inference to be drawn from the latest facts of which the House is in possession.

3. Because the conduct of the House of Assembly being the alleged ground of the bill, and certain members of that Assembly, who had mainly influenced its proceedings, having brought upon their country all the horrors of civil war, it is not just to suspend the constitution of the province with a view to its alteration by an act of the Imperial Parliament without first dissolving the House of Assembly, and thus affording to the people the opportunity of showing that they have withdrawn their confidence from such of their late representatives as have proved unworthy of it, and that they do not approve the acts of the House of Assembly which are deemed to justify the bill.

4. Because the bill gives to the Governor and Council power to make, with certain exceptions, all such laws and ordinances as the legislature of Lower Canada, as now constituted, is empowered to make, and thereby

places at the disposal of the Governor and Council all the monies heretofore appropriated by the House of Assembly, as well as all the monies heretofore appropriated by the Crown, thus making much more extensive alterations in the constitution when order is restored than the Executive Council deemed it expedient to recommend when agitation distracted the province and paralysed its Government.

5. Because, from the experience of last year, there is reason to fear that this measure will not only revive the hostile feelings of those who have hitherto opposed the Government, and increase their means of agitating the province, but at the same time excite the strongest disapprobation on the part of those who are most attached to British connexion, and who most reprobate the past proceedings of the House of Assembly.

6. Because the events which have taken place on the frontier of the United States show the expediency of effecting at the earliest period a permanent, and therefore a conciliatory, settlement of all questions relating to Lower Canada, and the bill interposes a long interval of despotism before any proposition for such settlement can be entertained.

7. Because it is impossible honestly so to modify the electoral franchise and the electoral districts in Lower Canada as to deprive the French population of that province of the power of electing the majority of the Legislative Assembly; and, therefore, any new Assembly which may be called together hereafter must be elected by a constituency essentially the same as that which elected the present Assembly, whose conduct is alleged to justify the bill.

8. Because it is consistent with reason and experience that the long arbitrary discontinuance of the use of a Parliament will, when that Parliament is at last called together, greatly increase instead of diminishing the difficulty of carrying on the government of which it is a part.

9. Because the bill thus postpones the calling of a new Parliament to a period necessarily more unfavourable than the present, and, occupying the interval by a coercive despotism, tends at once to alienate the affections of the people of Lower Canada, to engage the sympathy of the people of the United States in their favour, and to bring upon this country the accumulated evils of civil and of foreign war.

10. Because, if it be necessary to make alterations in the constitution of Lower Canada, Parliament is already in possession of ample information, the result of various recent inquiries, upon which, collected in times of tranquillity, it would be much safer, after mature deliberation, to legislate, than upon new opinions to be collected from parties still under the exasperation of civil contest; and, to suspend the constitution for more than two years for the purpose of gathering such opinions upon the nature and extent of the reform assumed to be required, is calculated to create agitation where it is most desirable to re-establish tranquil habits under settled and free government.

ELLENBOROUGH.

For the 6th, 7th, 8th, 9th, and 10th reasons,
February 8, 1838. BROUGHAM.

DISSENTIENT,—

1. Because it must be presumed, that the constitutional rights conferred upon the people of Lower Canada by the British Legislature were given them with the full knowledge that the House of Assembly in that province would, and with the intent that it might, thereby be enabled to exercise that control over the executive power, which the Commons of Great Britain are, by their undoubted privileges, enabled to exercise over the Executive power in the mother country.

2. Because this measure deprives the people of Lower Canada not only of the rights which were so given them by the British Legislature, but of the rest of the constitution which they had previously enjoyed.

3. Because, the bill being founded upon the assumption that such privation is just, it appears to us that such assumption is erroneous.

4. Because it appears to us, in determining the justice or injustice of a penal measure against a whole community, the Legislature is not confined by those technical rules which govern courts of law, but is bound to institute a larger inquiry; and that, therefore, it is necessary not merely to refer to the recent acts of that community, but to examine into the causes of those acts, and to ascertain their origin, which can only be effected through a careful investigation of the successive steps by which the accused party has proceeded, and of the circumstances by which it has been gradually led on to those proceedings which furnished the immediate grounds of this penal measure.

5. Because such investigation has satisfied us that the origin of those proceedings is to be found in the early mal-administration of the colony, by those branches of the Government which were more immediately connected with the mother country; and therefore it is not just to deprive the colony, even for a time, of its political rights, upon the alleged ground of recent misconduct.

6. Because it appears to us, that this is only the first of a series of measures which may involve the nation in great difficulties—an opinion countenanced by the admission made in debate that her Majesty's Ministers were prepared to apply to Parliament for an increase of our military forces, in which admission is obviously involved the further admission that even according to the expectations of the authors of this measure, it may not improbably occasion an armed resistance in the colony.

7. Because, finally, we are determined not

to incur the heavy responsibility of a measure which may involve our country in civil war.

Feb. 9, 1838.
FITZWILLIAM.
BROUGHAM.

HOUSE OF COMMONS,

Thursday, February 8, 1838.

MINUTES.] Bills. Read a second time:—London Coal Trade.

Petitions presented. By Mr. GILLON, from Kilmarnock, for the Abolition of Negro Apprenticeship.—By Sir G. STRICKLAND, from the county of York, against the Post Horse Duties.—By Mr. HUME, from Dundee, and by Mr. BAINES, from a place in the West Riding of Yorkshire, for the Ballot, Extension of the Suffrage, and more frequent Parliaments.

CHURCH-RATES.] Mr. *Thomas Duncombe:* Seeing the right hon. Gentleman, the Chancellor of the Exchequer, in his place, I wish to put a question to him on a subject which engaged much attention last Session, and on which the public are now getting anxious for some information. I allude to the subject of Church-rates. I wish to ask my right hon. Friend whether it is the intention of her Majesty's Ministers to proceed at once by the introduction of a Bill for the abolition of Church-rates, or whether it is their intention to revive that most desirable inquiry as to the manner in which Church leases are granted and renewed, which was commenced last Session, and abruptly terminated by the demise of the Crown?

The *Chancellor of the Exchequer:* At an earlier period in the present Session a similar question was addressed to my noble Friend, the Secretary of State for the Home Department, and I have great pleasure in repeating the answer he then gave. It is the intention of her Majesty's Government to move the re-appointment of the Committee to which the hon. Member alludes, and to found whatever enactments may be necessary upon the recommendations of that Committee, after it shall have entered into a full and extended inquiry into this very important subject.

TRADE WITH FRANCE.] Lord *Eliot* wished to ask a question of the President of the Board of Trade. As, however, he did not see that right hon. Gentleman in his place, perhaps some other Member of the Government would be able to give him an answer. He had seen it stated, that it was the intention of the French Government to impose a considerable additional duty on linen and cotton yarn imported into France from this country, and he wished to know whether there was any truth in that statement; and, if true, whether her Majesty's Government had taken any steps for the defence of the interests of this country?

Mr. *Labouchere* replied, it was undoubtedly true, that there was a probability of an increased duty being imposed by the French Government on linen and cotton yarn exported from this country into France. The Government of this country had made representations on this subject to the Government of France; but he was bound to say, that there was no reason to believe, that there was any chance of the Government of France acceding to those representations.

Mr. *Hume* wished to ask the Chancellor of the Exchequer, whether it was his intention to propose any reduction in the duty on the importation of French brandy into this country. It was hardly consistent for this country to complain of the French Government putting a duty of 100 per cent. on British produce, while we levied a duty of 700 per cent. on an important article of French exportation.

The *Chancellor of the Exchequer* said, it did not follow, that because France proposed to increase the duty on an article of British produce, we should reduce the duty on an article of French production. He did not consider such a mode of argument logical. In reply to the question which had been put to him, he would only answer, that he had no intention of proposing any reduction of the duty on French brandy imported into this country.

CHARITABLE BEQUESTS (IRELAND.)] Mr. *Barron* rose to move, that an Address be presented to her Majesty, praying that she would be graciously pleased to appoint a Commission to inquire into the constitution of the Board of Charitable Bequests in Ireland, and into the present charitable funds and property in this portion of the United Kingdom. The Board of Charitable Bequests, as at present constituted, did not fulfil those functions which it was expected to discharge at the period of its formation. The Board was composed of the judges of the land, and of the archbishops and bishops. What would be thought, if all the judges of England were appointed to manage the charitable bequests of England? Was it not as absurd to expect the judges of Ireland to discharge a similar duty in that country? The fact was, that the judges of Ireland had not attended and could not attend to this duty. And as to the ecclesiastical dignitaries who were upon the Board, they were equally incapacitated by their other duties from giving the proper attention to the business of those charities. The Archbishop of Dublin and the Bishop of Kildare were frequently obliged to come to this country to discharge their Parliamentary duties, and were necessarily absent from Ireland the greater part of the year; one of those Prelates was unhappily now in a very bad state of health. He had, on that part of the question, he thought, made out a case. He had shown, that it was impossible for the parties, from the nature of the circumstances in which they were placed, to exercise any adequate power or control over those charities. The consequence was, that the charities of Ireland were much neglected. Another objection to the Board was of a religious character. The whole of the Board, as at present constituted by the Act of Parliament, consisted of Protestants. The consequence of this was, that every single Catholic charity in Ireland, that is to say, nineteen out of twenty of the whole, were actually concealed from the knowledge of the Board, and were, therefore, under no control. The Board being of an exclusive character, the Catholics of Ireland, whether right or wrong, he would not stop to inquire, entertained no confidence in it, and they, of course, wherever they could, concealed their charities from the knowledge, and consequently from the control of the Board. To so great an extent was this feeling carried, that they were in the habit of handing over during their lifetime large sums of money to be distributed by individuals, instead of giving them to charities, or placing them in the hands of trustees. An instance of this had occurred in his own family. In the year 1809, a relative of his, for the reasons before alluded to, handed over the sum of 10,000*l.* to four or five individuals, with verbal instructions merely as to its distribution. It was impossible to know, at this distance of time, whether the sums of money so handed over had been properly applied. He attributed no impropriety to the parties intrusted with its distribution, but he thought that the poor had a right to complain, that they did not know whether it had been applied according to the intentions of the donors. Now, this in itself was a very great grievance. It was a grievance inherent in the construction of the Board itself, and not to the individual characters or feelings of the men who formed it. Another objection which he had to the Board was, that it was not responsible to the public, and was under no sort of control whatever. His next objection to it was, that under the Act of Parliament by which it was constituted, the Board had no adequate power of inquiring into the charities of Ireland, which from its name, and the intentions of the Legislature who framed that Act, it certainly ought to have. The Board considered, that under the Act of Parliament passed in 1800, immediately previous to the Union, they had no power to inquire, and that the only power they had, was to apply to a Court of Equity through their solicitors. The consequence was, that not having this power, and being obliged in all cases to apply to a Court of Equity, enormous expenses were frequently incurred in the endeavours to get at charities that were found to be bequeathed by different individuals in Ireland. Bills were filed in Chancery, and enormous expenses incurred. Great delays were consequent upon them, and it followed as a matter of course, that, in the case of smaller charities, the whole of the funds were actually swallowed up in endeavouring to get at the charity, and that which was intended for the benefit of the poor passed into the pockets of the rich. This was an enormous evil, and one which he hoped the House would assist in putting an end to, particularly when the subject of Poor-laws for the relief of the destitute in Ireland had enjoyed so much of the attention of her Majesty's Government. He did not wish his statement to rest merely on his own authority, and therefore would refer to the third Report of the Commissioners of Inquiry, page 31, which strongly supported the proposition which he had laid down. [The hon. Member proceeded to read the extract referred to.] It commenced by stating that their attention had been directed to the constitution of the Board of Charitable Bequests, consisting of the Archbishop of Dublin, and several other persons. They conceived that a Board so numerous could not be efficient for business, nor was a Board of so exclusive a character calculated to give perfect satisfaction in the administration of the funds created by the charity of persons of all religious persuasions. They therefore recommended that the powers of the Board should be transferred to the Poor-law Commissioners, with such power as had been given to the Commissioners for inquiry into charities in England. He hoped to be able to show to the satisfaction of the House, that it was impossible to investigate the matter properly, or to remedy the evils which existed under the present system. He only stated it now for the purpose of showing the opinions of these persons, and here he might state that the first name signed to this report was that of the Archbishop of Dublin, himself a member of the Board of Charitable Bequests. It was a strong confirmation of his (Mr. Barron's) statement, that the Archbishop of Dublin, a gentleman residing on the spot, and who, from having given the subject the greatest consideration best knew its working, should have been the very first to place his name at the bottom of this report. If any doubt existed on the minds of any hon. Member in that House, that an alteration was necessary in the constitution of that Board, the evidence of the Archbishop of Dublin would be sufficient to remove it, as well as the evidence of the other gentlemen whose names were appended to the report. He should now refer to another, and one which was a high authority in that House, to show that the Board of Charitable Bequests in Ireland was not competent to the duties which were under its administration and control. When Lord Stanley formed one of the Irish Government, he had made a communication to that Board, requesting them to consider some measure for the alteration of the Board so as to render it more effective, and that communication was followed up by a similar one from Mr. Littleton, now Lord Hatherton. The answer of the Board was, that so far from showing any disposition to oppose the views of Lord Stanley and Mr. Littleton, they coincided and agreed in it, and were willing to submit to any alteration which the Government might think advisable, for the better management of the charities in Ireland. He might rest satisfied with the facts he had stated, but that he knew from various private sources that it was not an effective working body. He had moved for a return on the subject last Session, and if ever there was a proof of the inefficiency of the Board, it was to be found in the slovenly and irregular manner in which that return had been made, some portions of which had not yet been presented to the House. There was in Ireland an immense fund of charitable bequests, which had been handed down from their ancestors, and the records of the Courts of Ireland, would show the vast sums appropriated for that purpose, which were now perverted to improper uses. In the city which he had the honour to represent, a sum of 20,000*l.* had been left by a Mr. Fanning twenty-five years ago, to the poor of the city of Waterford, and what would the House say when they heard that for twenty-five years the poor of Waterford had not touched one shilling of that money? There could not be stronger evidence of gross negligence and mismanagement. In the county of Westmeath there was a charity called the Wilson's Hospital Charity, which possessed a property of 5,000*l.* per annum, which was carefully concealed from the people of that county for whom it was intended. If the Commission were granted, great abuses would be discovered in the management of the charitable property in Ireland. The fact was, there was no proper control at this moment over this property. The Board which had the nominal management of it, was not, as at present constituted, competent to discharge its duties. Was it intended to place these bequests under the control of the Poor-law Commissioners, which were to be appointed under the Poor-law Bill to be brought in for Ireland? Was it proper to place religious and educational bequests under the management of such an authority? It might be supposed these charities were of no very great amount, and that it would not be worth while for the House to make any inquiry into matters of such little importance; but he could tell the House there was *primâ facie* evidence of an enormous sum of money in Ireland, applicable to charitable purposes, which, if properly applied, would nearly educate the people of that country, and would go a very great way indeed towards diminishing the Poor-law expenses likely to arise from the new Act. There was at the present moment, under the control of the Board of Charitable Bequests in Ireland, in the public funds, 130,000*l.*; in Chancery, and other courts of litigation, about

100,000*l.*; and there were a great number of houses in different cities, and different parts of Ireland, left for similar purposes, valued by competent authorities, amounting to about 50,000*l.*, making a total of 280,000*l.* Mr. Dalton, a man of great antiquarian research, a gentleman in whom he could place the utmost confidence, because he could have no object in deceiving him, had estimated the various gifts in Ireland at 110,150*l.* per annum. This gentleman (Mr. Dalton) was a man of most laborious character, who had dedicated a long life to the investigation of matters connected with charities in Ireland, with education, and the antiquities of the country. No doubt this statement was correct as far as an individual could obtain it without an inquisitorial power, such as might be granted him by this House or by the Crown. Mr. Dalton did not exaggerate when he calculated the amount of the charities not under the control of the Board at 2,200,000*l.*, and the fact of there being only charities to the amount of 280,000*l.*, showed the great inefficiency and uselessness of the Board. The total amount of the charities, both under the control and independent of this Board was 2,480,000*l.*; which, with Parliamentary grants amounting to 44,000*l.* annually; grand jury grants, 60,000*l.*; private subscriptions, 32,000*l.*; charity sermons, 12,000*l.*, would, calculating the interest of the whole at four per cent., give the sum of 267,600*l.* annually, which at this moment ought to be under the control of the Board. He wished to know whether this state of things was to remain in Ireland? He wished to know whether the charities of that country were to be left entirely under the control of a Board which nominally controlled them, but in reality did not? There was a precedent for the motion which he was now about to submit to the House, in the English Commission instituted several years back, which was now nearly closing its labours. He did not mean to follow that Commission in all its details. He did not mean to say that in its original constitution it was or was not effective or useful, or a creditable appointment for the country; or the Government of the day. But he proposed that if a Commission should issue, that it should be limited, not only as to the time of reporting to the House, but as to its expenses—thereby giving to the House and the country some hope that it would not be protracted to an indefinite period, with Commissioners at large salaries. If this should be done, and honestly done, they would have speedy justice, and a proper management of the charities in Ireland. If the expenses and the time were not limited, he would not lend himself to the matter in any shape. He hoped her Majesty's Government would take the subject into consideration—that they would consider its importance, and enter upon an investigation of the charities of Ireland. The hon. Member concluded by moving that a humble address be presented to her Majesty, praying that she would be graciously pleased to appoint a Commission to enquire into the constitution of the Board of Charitable Bequests in Ireland, and into the present charitable funds and property in that portion of the United Kingdom.

Mr. *O'Brien*, in seconding the motion, expressed his belief that the hon. Member who had brought the subject under the consideration of the House had not overstated the case in any respect whatever. He was fully convinced that the present Board of Charitable Bequests was ineffective and inadequate to the purposes for which it had been constituted. He believed also, that the character of the Board was considered by the Roman Catholics of Ireland of so exclusive a nature, that it did not possess their confidence in any respect. The hon. Member for Waterford had not overstated the amount of expenses incurred by the Board as at present constituted, in the recovery of charitable bequests. He could also bear testimony to the accuracy of the hon. Gentleman's estimate of the amount misappropriated and misapplied, which could not fall much short of 250,000*l.* per annum. With respect to the placing of these Charitable Bequests under the control of the Poor-law Commissioners, that was a question which need not now be entertained; but so far as regarded the third branch of charities, those intended for the relief of the poor, in his opinion these might well be given up to the Poor-law Commissioners. It was necessary that adequate information should be obtained before the House could properly deal with the subject.

Colonel *Sibthorp* said, that after so many Commissions had been issued, he felt quite horrified at the proposition of the hon. Member for Waterford. He should oppose the appointment of any fresh Commission of any sort, until a full inquiry had been instituted into this subject, in order that the House and the country might be satisfied as to the policy and prudence of issuing Commissions. He could not help regarding Commissions in general as complete jobs. He believed that many of them originated in the outcries raised by those hungry Gentlemen (he meant no offence to any one) who were in the habit of lounging about Downing-street, and could only be got rid of by placing them in some of those situations. He believed that they were situations of great responsibility, but when he looked at the Record Commission and some others, he must say that he thought them perfectly useless, and that they had led to a great waste of public money. He protested against the present proposition also as being unnecessary. He believed that in nineteen cases out of twenty, nay in ninety-nine out of one hundred, there had been a just, fair, and impartial application of those charitable funds. Should the Government accede to the motion of the hon. Gentleman, he should feel it his duty to take the sense of the House upon it.

Mr. *Wyse* defended the appointment of Commissioners, because he thought they were more competent to inquire into these matters than Committees. He considered it to be necessary to make a proper inquiry into these funds. The Board of Charitable Bequests was merely a Board for receiving applications made to them; but he contended there ought to be a Board maintaining a constant and vigilant observation from year to year over the administration of these charities. Members of his own family in Waterford had left a considerable portion of property, for the purpose of establishing alms-houses for poor men and women; but those bequests had never been carried into effect. The misapplication of funds of this description had the very worst moral influence in the country; it dulled the energy of benevolence, and prevented the application of funds to useful purposes, because a conviction lurked in the minds of men that if they made charitable bequests, there was no guarantee that those bequests would be properly applied. The misapplication of these funds had made religion a matter of monopoly.

Viscount *Morpeth* said, if he were called upon to give his opinion on the present occasion, he thought his hon. Friend, the Member for the city of Waterford, had made out a very strong case. His hon. Friend had shown that here was a very large amount of charity property in Ireland, with which the Board of Charitable Bequests was, from the nature of its formation, unable adequately to deal, because the board was composed of individuals who had other heavy official duties to perform, and who therefore were unable to devote that time to the board which was required. His hon. Friend had also shown that the members of the board were exclusively of one religion,—a circumstance which, without any imputation on their impartiality, might happen to excite the jealousy of the great portion of the Roman Catholics of Ireland, that such an exclusive board should have the control over their own charities. Again, his hon. Friend had proved that a large amount of the charity funds had been frittered away in law expenses, and he was confident that the House generally would agree with him, that if any property was to be squandered or frittered away, it ought not to be the patrimony of the poor. He certainly had expected that his hon Friend, would make out a strong case, for the Government were already aware of the necessity of inquiry, and would have willingly taken the subject into their own hands, had they not felt that there were so many other important and pressing questions first to be disposed of, that neither they, nor indeed the Parliament, had time to devote to this subject. Again, the Government was very sensible of the imputation cast upon them by the hon. and gallant Member for Lincoln, as to their partiality for commissions. It, however, must be admitted that whatever might be the nature of the tribunal or board to which it might be most conducive to the interests of all ultimately to intrust the management of the charities, it must, he repeated, be admitted that inquiry was in the first instance expedient. The only demur he should make to the immediate motion now before the House was as to whether it was now put in the best and most proper shape. His hon. Friend had said, that he was anxious to insure some limitation both of time and expense for this commission. Now, that limitation could not be secured by the motion now before the House, and therefore he thought it would be much more satisfactory if the question were brought forward in the same manner as the English Charities Commission—namely, by way of a bill. By that course a limitation of time and expense would be secured, and the objections of the hon. and gallant Member for Lincoln removed. His hon. Friend, too, must remember that a commission issued by the Crown without the sanction of an act of the Legislature was very much curtailed and crippled in some of its most important functions; such commission could not examine witnesses. Now, it was very material in any inquiry which would extend over the greater part of Ireland, that power should be given not only to call witnesses, but to compel the examination of unwilling witnesses upon oath. He would, on these grounds, therefore, ask his hon. Friend not to press his motion that evening, but to bring in a bill to limit the time and expense of the commission, and giving it power of complete and uncontrolled action. If his hon. Friend would do so, the Government would give his hon. Friend its best assistance.

Mr. *Shaw* said, he could not but think it would be much better if the noble Lord would at once consent to take the matter into his own hands. Surely, no charge had been made—no case for inquiry into the constitution of the Board of Charitable Bequests had been made out; but even if there had, a commission was unnecessary, for that board was created by an Act of Parliament, a reference to which would give all the information that could either be afforded or required. He, therefore, hoped that the hon. Member would not press his motion, but accede to the suggestion of the noble Lord, the Secretary for Ireland.

The *Chancellor of the Exchequer* concurred with the right hon. Gentleman who had just sat down, that no inquiry was necessary into the constitution of the Board of Charitable Bequests; but it did not follow that there ought not to be an inquiry into the working of the board, and a general inquiry into the management of the charity property. He admitted that, as stated by the hon. Member (Mr. Wyse), the effort he had made some years ago to secure from local authorities, either grand juries or bodies of magistrates, an useful superintendence over the charities had wholly failed, and it was now highly important to have a more efficient system of management. He fully concurred with the views expressed by his noble Friend, the Secretary for Ireland, and trusted that his hon. Friend who had brought forward the subject would follow the precedent of the English Charities Commission Bill.

Mr. *Barron* would, by the leave of the House, withdraw his motion, and give notice of his intention to bring in a bill embodying the principles suggested by his noble Friend, the Secretary for Ireland.

Motion withdrawn.

POST-OFFICE.—MR. HILL'S PLAN.] Mr. *Wallace* called the attention of the House to the petition from the Chamber of Commerce of Edinburgh (presented 5th of February), praying that no experiment on Mr. Rowland Hill's plan might be entertained, unless based on its main principles. Much alarm had been occasioned throughout the country by the notice given by the Chancellor of the Exchequer of his being about to make an experiment of his own in contradistinction to that recommended by the Post-office Commissioners. In the course of last Session it was distinctly stated, that there commendations of the Commissioners with regard to the twopenny and threepenny postage being reduced to one penny, and the collection being made in advance by the use of stamp covers should have a fair trial. When the Chancellor of the Exchequer was asked in December last what he meant to do upon the subject, he replied, that he intended, instead of following the recommendation of the Commissioners, to bring in a bill to authorise the use of twopenny stamp covers, within the twopenny district. If the right hon. Gentleman had offered a premium for a plan by which to overthrow the recommendation of the Commissioners, a better mode could not have been devised. The Chamber of Commerce in Edinburgh, considering the great advantage that would accrue to the country from the adoption of a uniform system of charging postage, and of making a large reduction of the rates, had taken alarm at this proposal, and by their petition strongly urged upon the House that some means should be taken to prevent the right hon. Gentleman from following up his intention. On this occasion he would confine himself to this plain and simple question, whether anything could be more perfectly absurd and untenable than that of pretending to carry out a suggestion for permitting the use of a stamp cover, at a penny rate, by means of a twopenny stamp cover? He could not for a moment suppose that the right hon. Gentleman would persevere in adopting so strange a proposition. The idea of the public being willing to take the additional trouble of purchasing a stamp, when they could send their letters at the same rate without a stamp, seemed to him so exceedingly preposterous that he would not argue the matter further. The hon. Gentleman concluded by moving that the House resolve itself into a Committee to take into consideration the laws relating to the Post-office.

The *Chancellor of the Exchequer* presumed that the only object of the present motion was to raise a discussion. To that he had no objection. He should ill discharge his duty, and not be showing that respect which he entertained for a Committee of this House, if he were to prejudge a question which was now under the consideration of a Committee up stairs. He had been called upon to consider the propriety of adopting Mr. Hill's plan. For that gentleman he entertained very great respect, but he could not, in deference to Mr. Hill's judgment, hazard the loss of an enormous amount of revenue. If he had made the experiment of Mr. Hill's plan, and had reduced the postage of all letters from their present amount to a penny, the increase in the number of letters that would be required to be delivered by the Post-office in order to prevent a loss would be from their present amount of 43,000,000 to somewhere about 400,000,000. No person on earth could imagine that any permanent arrangement could be made that would augment the correspondence in this country within any limited period to such an extent. All existing arrangements would have to be reorganised, and that upon a mere hypothesis. He would not presume to say that Mr. Hill's plan was wrong. Indeed he had consented to the appointment of a Committee, to whom that plan was submitted, and he thought it would be only prudent to await the report of that Committee, in order to see whether they considered it feasible The twopenny postage was an increasing source of revenue, which clearly proved that the present rate of charge did not operate to diminish that description of correspondence. He had reduced the fourpenny postage to twopence, and had directed a registry to be kept of the amount of correspondence before the reduction and after, this would show the effect of that reduction upon the amount of correspondence. This information was essential, because all the reasoning in favour of an alteration would fall to the ground, unless it could be shown that the present postage duty threw difficulties in the way of the correspondence of the country. The hon. Gentleman was favourable to the experiment of a stamp-cover, but did he wish to try it fairly? It would not be trying it fairly if they said that a letter should go under a stamp cover for a penny, whereas a letter not going under a stamp cover should be twopence. It was supposed by some Gentlemen that notes of invitation and messages would be frequently sent by the twopenny post instead of by servants, if a stamp cover were allowed: he therefore had consented to the experiment. When the whole plan of Mr. Hill should have been considered by the Committee, and reported upon to the House, he should be prepared to give his determination upon it. At present he thought it prudent not to make any alteration in the existing system. He had great respect for the Chamber of Commerce in Edinburgh, but he should have attached much more weight to their recommendation if it had been made with reference to their own city, instead of relating to the mode of carrying on correspondence in London.

Mr. *Hume* said, that the object of his hon. Friend (Mr. Wallace) was precisely that which the right hon. Gentleman professed to be his; namely, that no alteration should be made until the whole plan had been fully determined upon. The right hon. Gentleman, however, said he was willing to make a partial attempt to carry Mr. Hill's plan into effect. It was not a partial trial of that plan, because Mr. Hill suggested the reduction of the duty to a penny. Two years had elapsed since the right hon. Gentleman declared that the present system should be altered; yet nothing had been done. The Post-office Commissioners had made ten reports, and he remembered no instance in which so many recommendations of a commission had been left unnoticed. He admitted that several useful alterations had been introduced into the Post-office department; but he would press upon the consideration of the Government the distrust prevailing throughout the country as to any really beneficial change being effected while the present system continued.

Mr. *Labouchere* begged to state, that so far from the recommendations of the Commissioners a pointed to inquire into the Post-office establishment not being attended to and supported by the Government, he (as one of those Commissioners) knew there had been on the part of the Government a most anxious desire to carry those recommendations into effect. When the Commission was appointed it was stated that the Commissioners would be a mere screen to the Government to stave off all reform, and that there was no real intention of looking into the abuses of the Post-office. He on that occasion gave a pledge in his own name, and in the name of his Colleagues, that they were determined to look fully and fairly into the subject, with a desire to lay before the public the sincere impressions which the inquiry might make upon them, and he now trusted that by the course they had taken, the expectations of the country had not been disappointed. The Commissioners made their reports without any communication or previous consultation with the Post-office or the Treasury, as they might have done, in order to ascertain whether the opinions of those authorities coincided with their own before being promulgated to the world. It must necessarily have sometimes happened that there should be a difference of opinion between the Commissioners and those two departments. He believed that the Commissioners would not have done their duty if they had by previous communications endeavoured to avoid that difference of opinion. At the same time they had no right to blame the Post-office authorities or the Government for exercising their own judgment with respect to the recommendations of the Commissioners. Nevertheless, he was not aware until this report with regard to the twopenny post-office came under consideration, that any important recommendation of the Commissioners had not been carried into effect as far as lay in the power of the Government. He denied that it was the fault of the Government that the Post-office had not been placed under the management of Commissioners, instead of a postmaster general. It was the fault of Parliament. With regard to applying Mr. Hill's plan to the twopenny post by reducing the charge to a penny, it certainly involved a considerable amount of revenue; still he was sorry his right hon. Friend did not think himself justified to try the experiment. He should be glad to see it tried. He did not agree that the stamp covers was the chief part of Mr. Hill's plan. The most important principle of Mr. Hill's plan was the payment of the postage. This was a part of the plan about which he had always entertained the greatest doubt. He very much doubted the readiness of the public to acquiesce in a system which would deprive them of all option, when sending letters, whether to pay the postage or not. Upon the whole he thought it would be better to let the entire matter rest with the Committee up stairs; and he should be rather glad if his right hon. Friend would not make any partial experiment with regard to the stamped covers. He did not think it would be likely to lead to much satisfaction.

The *Chancellor of the Exchequer* said, the experiment of the stamped covers was not of his seeking. He had not the slightest difficulty, if the same Gentlemen who first wished to see the experiment tried were now desirous that it should be suspended, to accede to their request. With regard to the observations of the hon. Member for Kilkenny as to the recommendations of the Commissioners not having been acted upon, he wished to remark, that it was much easier for Commissioners and Members of Parliament to lay down a principle than for those who were charged with the execution of it to apply that principle. No principle was laid down more authoritatively than that of applying the system of contracts to our packet communications. Every body seemed to consider that there was no port in which that experiment could be better tried than in the port of Liverpool. Parties informed him that if the unjust competition of the Government packets against the owners of the commercial packets were withdrawn, those owners were of that character that they would undertake to discharge the duty of carrying the mail for nothing. He and the Admiralty had been engaged from that time to the present in trying whether they could obtain such a contract, and what was the result? The only tender which the Government had received, contrary to all the predictions made, was, that whereas the Government packets yielded from passengers 21,000*l.* a-year to the Government; there were gentlemen in Liverpool generous and liberal enough to offer to enter into a contract, not to carry the mails for nothing, but for the sum of 34,000*l.* a-year.

Mr. *Wallace* would not occupy the time of the House in replying to the statements which had been made, but he must make one or two observations on the remarks of the Chancellor of the Exchequer on the contracts for the packet service. In 1836 the St. George steam-packet company offered to carry the mails to Ireland for nothing; but what did the Government do? They refused this offer, but allowed in the same year an Act to be passed by Parliament limiting the liability of the company. This was done under the plea of assisting the inland navigation of Ireland; but 200,000*l.* having been raised in consequence of that act, the company, instead of applying themselves to the inland navigation, set to work to build boats purposely to beat the Post-office, or rather, at that time, the Admiralty packets. The Admiralty continued their old boats, and the consequence was, that the St. George's company, having completely outsailed them, and carried away all the custom, now turned round and did what every other trading company would do under similar circumstances — they demanded 34,000*l.* to contract for doing what, before their new boats were built, they would have gladly undertaken for nothing. The great boon held out by the Chancellor of the Exchequer, the reduction of the fourpenny postage to twopence, was not recommended by the Post-office Commissioners, but was introduced by the right hon. Gentleman on his own responsibility. It was true that a Committee had been appointed, and was still sitting; but before any report had been made, the Chancellor of the Exchequer had given notice of his bill. If the whole subject of the Post-office were to be left to the inquiry of the Committee he had no objection to make; but he hoped that in the meantime no attempt would be made by the right hon. Gentleman to give effect to his twopenny proceeding. Having elicited that discussion he would beg the leave of the House to withdraw his motion.

Motion withdrawn.

DAY MAIL TO SCOTLAND.] Mr. *Wallace* again rose to comment on another petition which he had presented from the constituents of the right hon. Gentleman then in the chair. He thought that the great constituenci sof Edinburgh and Glasgow had been hardly dealt with in not having a day mail, when Dublin, Manchester, Birmingham, and other places, had been allowed the benefit arising from this recommendation of the Post-office Commissioners. But these Commissioners had also recommended that Edinburgh and Glasgow should be included in the arrangement. He had been assured that the day mail to Dublin had been established at the request of the Irish government. To this he had no objection; but if the Irish government had the power of controlling the Post-office authorities, and of preventing the extension of a similar advantage to other parts of the kingdom, he did most seriously complain. He must insist that many of the recommendations of the Post-office Commissioners had not been complied with, and one — the most necessary of any to remedy the defects of the present system — the recommendation of placing the whole of the Post-office matters in the hands of Commissioners, had been, if not entirely overlooked, at least disregarded. The change had been recommended in the report of July, 1835; but the report had not been circulated till 1836: how it had been kept back, or by whom, he did not know; still it was not delivered. In February, 1836, the Chancellor of the Exchequer had been asked whether he intended to carry into effect this recommendation? His answer was, that he intended to introduce a measure founded upon the report. It was not, however, till nearly the end of the Session, the 8th of July, that a bill was introduced; it then passed through its several stages in that House, and reached the other House on the 4th of August, and was on the 12th of August thrown out of the House of Lords, because there was not sufficient time at that late period of the Session to give due consideration to so important a subject. Thus, although the bill was promised in February, it was not begun till the 8th of July—one month only before the end of the Session—and did not reach the Lords till within the last six days, and this was all the time which was afforded for deliberation on this great alteration. He feared that it was the amount of patronage at the disposal of the Government which they were most unwilling to part with, and which rendered them careless of the inconvenience experienced by the public. In 1837 the House was promised that the bill should be re-introduced. They all knew that the death of the Sovereign caused an abrupt termination of the Session; but more than two months of the present Session had already elapsed, and the bill had not yet been re-produced. He did not see why a preference should be given to the northern parts of England and to Dublin over Scotland; and he thought that, in justice to the manufacturers of that country, they ought to have equal facilities in the receipt of their foreign correspondence. There were other general measures recommended by the Commissioners which had not been adopted. He should conclude with moving for some returns which would show the real state of the case, and bring the whole question fairly before the House and the country. But he could not help adverting specifically to one great advantage which the Sunday day mail possessed; it took down the mail into the country the whole of the correspondence which came up on the Saturday night, and, if the mail were granted to Edinburgh, the Saturday's letters would reach that city thirty-six hours before the present time. If a day mail were established, the constituencies of Scotland would be able to read the debate of that night—if it were worth reading—twelve hours sooner than they could by the present arrangement. He recommended also that, instead of starting an additional mail coach to carry the morning mail, the effect of which was to cheat the turnpike trusts of the tolls, they should employ the regular coaches, of which many were constantly running to Birmingham; and he contended that there was no fear of the loss of the mail bags by these public conveyances, although they did carry so many passengers, for he had himself seen a mail-coach carry seven outside passengers without danger to the bags; and it was established last year before a Committee of that House, that in Ireland, where the bags were forwarded by public passenger conveyances, very few, if any, robberies took place. The hon. Member concluded by moving for "A return, in abstract, of the recommendations contained in the ten reports of the Post-office Commissioners; specifying, 1st, what recommendations had been carried into full effect; 2dly, what recommendations had been partially adopted; and, 3dly, what recommendations had not been acted upon; together with the date of the report, the date when the recommendations were adopted, and the names of the Commissioners appended to the report."

Mr. *Hume*, in seconding the motion, wished to ask a question of the right hon. Gentleman, the Chancellor of the Exchequer. He was satisfied that there was only one mode of removing the anomalies which at present existed, and the cause of complaint of the hon. Member for Greenock, and that mode was by the adoption of the plan suggested by the Commissioners, by changing the post-master-general's office, and allowing it to be executed by Commissioners. He hoped that no delay would take place upon this subject, and that the same excuse would not be furnished to the Lords as had been given in 1836 for rejecting a Bill of so much importance, because it reached them only within a week of the close of the Session. It should be recollected also that our Post-office establishment annually taxed the public to the amount of two millions and a half, and cost more than any other similar establishment. There was, therefore, no excuse for delay; and he would conclude by asking the right hon. Gentleman when he intended to bring in his Bill for carrying into effect the Commissioners' recommendations?

The *Chancellor of the Exchequer* did not rise to object to the motion of the hon. Member, but he must complain of the hon. Member's unfairness in giving notice of one motion and then bringing forward another. The hon. Member had given notice that he should call upon the House to "consider the petition from Edinburgh, presented 5th February, for establishing a morning mail to Scotland." Instead of confining himself to this, he had made a distinct charge against the Government, and concluded with a motion for returns of what had been effected towards carrying out the Commissioners' reports. Such a course of proceeding was neither fair nor just, and nothing but the disposition felt by the Government to give every information relative to the Post-office precluded him from giving a direct negative to the hon. Member's proposition. He hoped the time would come when that House would not discuss a subject already referred to a Committee. If the House not only exercised, which it ought, and was bound to do, a general superintendence over the Administration as carried on in the different departments of the Government, but descended to the inquiry whether a twopenny post box should be opened in one place or another, he thought that they would not only be wasting the public time, but be also consuming the patience of the House; and not all the mails which should convey the records of that discussion would raise hon. Members in the opinion of their constituents, or the general character of that House. There was one subject mentioned by the hon. Member to which he must specifically refer. The hon. Member, in showing that the Government had overlooked the report of the Commissioners recommending an alteration in the present constitution of the Post-office, went logically to work to prove his statement by recapitulating from the votes of that House the steps which had been taken in introducing a Bill, which had been fought through that House for giving effect to the Commissioners' recommendations, and which had been lost in another place. To prove, therefore, that they have overlooked the report would require more ingenuity than was possessed by the hon. Gentleman. It certainly was his intention to introduce a Bill on this subject, containing enactments in the spirit of the alterations recommended by the Members of the commission. With respect, however, to the establishment of a day mail, which made a most important change in the arrangements of the Post-office, and which could only be effected by a great increase of expense, could anything be more reasonable or more just than that they should try an experiment in the first instance in a place where it was likely to be successful, and that they should wait to see the result of that experiment before they extended the plan? It must be observed also that it was only to a portion of the correspondence that a day mail was likely to be of any use. Whether letters were received at twelve o'clock at night or at six o'clock in the morning was of no earthly importance—it was only near the extremity of the line, therefore, and in the neighbourhood of London, that the day mail would be of value. If the hon. Member considered, likewise, the entire alteration which was taking place in the country with regard to the whole system of coach communication, and the lines of railroad which were being established throughout the country, he would not, as a man of common sense, wish that they should enter into changes which would entail enormous charges on the public till they saw what species of communication was likely to be permanently established. The Western Railway, for instance, was likely to be completed, and would the hon. Member wish the Government to establish a double line of communication? Many others were in progress; and with respect to the Birmingham mail, he did not think that they could find contractors who would do anything for nothing, for the number of coaches was already so much reduced, as to render travelling very inconvenient at the present moment; and the Post-office had a difficulty, even after paying double the ordinary contract price, to find contractors. The full establishment of the day mail would require the re-modelling of the whole mail establishment, and he thought that Government was acting more prudently by not saddling the country at once with an enormous mass of charges, till it saw the results of what had been already done. The hon. Member for Greenock seemed to suspect that the Government never consulted the convenience of the public; but he must observe, that the interest of the Government was directly the reverse of this, for the more letters passed through the Post-office, the more correspondence took place, and the more the public convenience was consulted, the more income would it produce, and the greater would be the public revenue.

Mr. *Gillon* thought, that they ought to facilitate, by every means in their power, the transmission of letters and newspapers. The right hon. Gentleman had objected to the expense of establishing day mails, but he thought, that, having sent them to Birmingham, Manchester, Liverpool, and Ireland, it would not be any great stretch of generosity to extend them to Scotland. The same mail would carry the Scotch as carried the Birmingham letters. At Warrington now two mails met and ran together to Carlisle, where they separated, one going to Edinburgh, the other to Glasgow; by letting one coach carry both bags to Carlisle, and by making the second coach meet the day mail, both might be carried without the addition of a single coach. From Carlisle there were already two day mails, so that, with the same establishment, the greatest increase of assistance might be afforded to the mercantile interests of Scotland. He thought that his hon. Friend had been hardly dealt with when he had been accused of wasting the time of the House, for he considered this a most important subject. Whether he should succeed or not in the motion which he intended to bring forward for the equalization of the taxation on the various methods of internal communication, he must remark on the great absurdity of charging any duty on carriages carrying the mails, for the mileage duty was repaid by the public in the shape of an increased rate of contract, and the public were clear losers by the poundage. Valuable evidence was given before the Committee of last year by Sir Edward Lees, that great advantage had been experienced in Ireland from the establishment of mails carrying passengers and paying no duty, and no robberies had been effected on these mails, whilst many had been committed on the single-horse or foot posts. By this means, also, posts and conveyances for passengers had been established on the cross-roads of Ireland, whilst they were very deficient in all the cross-roads in England and in Scotland.

Sir *George Sinclair* was of opinion, that the establishment of a day mail would be a great convenience to the people of Scotland, and that it might be obtained at a comparatively trifling expense. He would call the attention of the House to the present position of the twopenny-postmen employed in London. They had recently had some additional onerous duties imposed upon them, without their receiving any additional pay.

Mr. *F. Baring* said, that he had no doubt, that the establishment of the day mail would be of great use to Edinburgh, but it was a matter in which he thought the House would not interfere. With regard to the wages paid to the twopenny-post letter-carriers, he was of opinion that the pay which they received was a sufficient remuneration for their services, although it was true that their duties had of late been increased by an arrangement recently made in the Post-office. At the same time, however, additional hands had been employed, and means had been adopted by which they would be entitled eventually to some remuneration: this was by their becoming entitled, on long service, to some extra pay. The plan had been adopted by the Treasury, in obedience to a suggestion which he had thrown out, and a mode of classification had been taken by which good servants of the longest standing would be the best paid. With regard to the general question of increasing the pay of the letter-carriers, he was of opinion, that any alteration in the present system was unnecessary.

The *Attorney-General* felt, that he ought not to allow this subject to be discussed without expressing a hope, that the officers of her Majesty's Government within whose province the matter lay, would give the subject their most serious and speedy consideration. He had no doubt, that the establishment of a day mail to Ireland was most useful; and he had no doubt, that it was proper that it should be seen whether the plan with regard to that portion of the kingdom succeeded before it should be carried into effect with reference to another portion of the kingdom. It had succeeded, and why was it not adopted now with regard to Scotland? The line was already formed to Liverpool, and the mail might be conveyed on without much additional expense. Not only Edinburgh, but the whole of Scotland was interested in the matter.

Motion agreed to.

REAL PROPERTY.] The *Attorney-General* said, that in rising to move for leave to bring in several Bills to amend the law as it at present stood with regard to real property, he should feel it necessary to occupy the attention of the House only for a few moments. The Bills which he proposed to introduce were substantially the same as those which had been introduced in a former session, and they were founded on the report of the Real Property Commissioners. The first was a Bill to facilitate the enfranchisement of lands of copyhold and customary tenures. He had wished to abolish the tenures altogether, as he knew they were attended with very great inconvenience, in producing disputes between the lords of manors and others, but he was not bold enough to bring in a measure so sweeping in its provisions. His Bill was, therefore, only to facilitate the enfranchisement of lands. The second Bill was introduced with a view of remedying some of the inconveniencies with regard to copyhold tenures, such as holding courts, making surrenders, and with regard to leasing copyhold lands; and it was entitled a Bill for the amendment of the law relating to lands held by copy or court-roll. The third Bill was to authorise the identifying or ascertaining the boundaries of manors and lands, where such boundaries were confused or unknown. The limits of manors he knew were ill-defined, and with a view to their being properly settled he proposed that referees should be appointed to ascertain them. The fourth Bill was for abolishing customs relating to lands in certain cases. He desired that the general law should be that of primogeniture, but there were some cases in which it was proper that the old law should be continued. In the case of the custom of gavelkind, which existed in the county of Kent, he did not propose any alteration. It was, in his opinion, mischievous, for the effect of it was, that in the event of the death of a man with seven sons and seven daughters, his property would not go to the eldest son, nor would it be equally divided among his children, but it would be parted among the seven sons, and his daughters would not receive anything. The people of Kent, however, were satisfied with the custom, and it would be better to allow it to remain. He had wished to abolish heriots altogether, as well as copyholds, in accordance with the Bill he had formerly brought before the House; but he felt that he could not now extend his proposed measure so far. The only other subject to which his Bills referred was the law of escheat. He desired to bring in a Bill which would very much modify the existing law; but he did not think that it was necessary now to go into the particulars of it, but hoped that the second reading would not be opposed when the Bill might be referred to a Select Committee of Members; and he hoped that those Gentlemen who were connected with the legal profession would give him their assistance.

Mr. *Goulburn* did not oppose the motion of the learned Attorney-General; but he was glad to find that he had omitted in his Bill the clause which had before been introduced with regard to compensation for heriots; for he thought that that could never be persevered in with any prospect of success. The learned Attorney-General had thrown out that it was his intention to call upon those hon. Members connected with the legal profession who were in the House to afford their services on the Select Committee. Now, with all respect to those hon. and learned Members, he should suggest that the Committee should not be entirely formed of such persons, but that some of those Members of the House who were acquainted with the subject of manors generally, should be also selected; for he was of opinion that the legal Gentlemen would suggest merely those amendments which affected the technical portions of the law, and which would facilitate the transfer of large properties, but which would not touch upon the real justice of the case.

Mr. *Aglionby* hoped that the learned Attorney-General would not confine his Bill to defining the limits of manors only, but that he would direct his attention also to lande within manors.

Leave given.

EDUCATION IN CANADA.] Mr. *Hume* said, that he had a variety of returns to move for respecting Canada, but in the absence of the hon. Under Secretary for the Colonies he should abstain from making any observations. The hon. Member moved for various returns. The hon. Member said, he was sorry that the right hon. Member for Coventry was not in his place, for if he were he believed that the right hon. Gentleman would have availed himself of the opportunity of giving an explanation of a statement he made the other night, that not more than two in a hundred of the constituency of Lower Canada could read or write. He believed that the right hon. Gentleman in his statement alluded altogether to the elder part of the population, and not to the rising generation. He was authorised to state, that since 1833 there had been founded in that colony 1,216 schools, which had not less than 65,000 scholars. This was a very large proportion, for the whole population of the colony did not exceed 800,000. It was also stated, in that which he believed to be the best history of Lower Canada, namely, that written by Mr. Macgregor, "that the schools were under the protection of the Government, and that they had been established principally during the last six years. Indeed in every parish, and in almost every settlement, a school had been established, which was open to all classes, without any distinction as to religion, and both sexes were instructed in English and French. The number of these schools was upwards of 1,200, and the scholars of both sexes were not less than 65,000." The authority of this Gentleman would probably be relied on, for he was at present employed by the Government on some important statistical investigations. He believed that the House of Assembly of Lower Canada wished to devote 50,000*l.* a year to the purposes of general education in that colony, but the Legislative Council rejected the Bill for the purpose. The plan was therefore now in abeyance. According to the return he had referred to, the proportionate state of education at present in the colony was greater than it was in this country. So much for the statement as to the want of education in Lower Canada; and he had no doubt, if opportunity was afforded for inquiry, that other charges which had been brought against the colony would turn out to be as false and calumnious as that which had been put forth as to the want of education. The hon. Member concluded with moving for a copy of the Acts of the Parliament of Lower Canada, passed since 1828, for the promotion of education and the establishment of schools in that province; together with a copy of the last report made to the House of Assembly of the state of education, and of the number of schools and scholars in each county, and the numbers in the whole province.

Lord *John Russell* regretted that his right hon. Friend was not present, as the hon. Gentleman had alluded to what had fallen from him a few nights ago. The hon. Gentleman said, that his right hon. Friend had fallen into an error respecting the state of education in the colony, but he did not think that what had been stated by the hon. Gentleman shook in the slightest degree the statement of the right hon. Gentleman or any other person on this subject. His right hon. Friend said, that the constituent body that elected the House of Assembly of Lower Canada was remarkably ignorant, and that the very great majority, as he said, and a large proportion, as others asserted, could neither read nor write. The hon. Gentleman now said, that there was a great deal of education at present in Lower Canada; but his right hon. Friend did not allude to what had taken place during the last nine years, or since 1828, since which period, a great many schools had, no doubt, been established. Nobody denied that education had recently increased in Canada; and he had himself stated that very large grants of money had been voted since 1828, by the House of Assembly for the purposes of education; but it must be recollected, that none of those who could have profited by the education so provided could be at present older than mere boys. Nobody had said that the House of Assembly was opposed to education; but, at the same time, the statement originally made was far from being calumnious, for it was well known that a very large proportion of the adult population were uneducated.

Mr. *Hume* observed, that the statement of the noble Lord merely rested on his own authority; he should produce something like proofs if he wished to remove all doubt on the subject. The charge of ignorance, however, did not justify the depriving of the people of Canada of their constitution. If this were the case, the ignorance of the people in many parts of England would afford a justification for taking away their civil rights.

Sir *R. Peel* did not, when the right hon. Member for Coventry stated that the people of Canada were educated in the proportion of two in a hundred, understand him to pledge himself as to the precise number of the educated and uneducated people there. He believed the right hon. Gentleman meant to imply that the state of education was so limited in Canada that a great part of the population who enjoyed the elective franchise, were not able to form a very accurate judgment on the matters involved in dispute.

Returns were ordered.

VOTES IN COMMITTEE.] Mr. *Hume* proposed a motion to the effect that every motion in a Committee of the whole House in which a division takes place, be recorded and reported in the votes of the day, and the number and names of the Members voting be recorded, in the same manner as in the divisions in the House. The motion had already been agreed to by the House, but had not been acted upon in the way he expected. The names were already printed in the appendix to the votes, as well as the words of the motion or amendment, but he thought that it would be more convenient to have the words of the motion or amendment, when a division took place, printed in the body of the votes. He was aware that what he proposed would, in some degree, increase the trouble, but he thought that the advantages that would result from it would afford an ample compensation.

Mr. *Goulburn* did not intend to object to the motion, but did not clearly understand the object of the hon. Member. It appeared, that at present the list of names in a division in Committee was given. By giving all the amendments introduced into a bill in Committee, the votes would be swelled to a most voluminous extent. The amendments could not be given short so as to make them intelligible, for a division in Committee frequently took place on the motion to leave out a single word, which often involved the most important considerations.

Mr. *Warburton* remarked, that his hon. Friend proposed that the amendments in Committee should only be inserted in the votes when a division took place.

Lord *John Russell* said, that for the sake of uniformity it might be desirable to agree to the motion, but he thought that it would be better to leave the matter to the discretion of the Speaker.

The *Speaker* stated, that he was most anxious to afford every facility regarding the printing of the votes which would meet the feeling of the House. The House, he was sure, was aware that the votes should be drawn up in such a manner as not to be too voluminous, so that they could be printed and delivered as soon as possible in the morning. Most hon. Members were anxious that the votes should be delivered at their several residences before they left their houses in the morning, and he hoped that the House would not hastily come to a decision which would swell the size of the votes in such a degree that it would often happen that they could not be printed until a late hour. If the hon. Member chose to leave the matter in his hands, he would endeavour to adopt some arrangements to meet his views. He would avail himself of the present opportunity of making a suggestion in another matter connected with the printing the votes. It often happened that when the House was engaged until a late hour in a debate of importance several orders were left to be postponed or disposed of at two or three o'clock in the morning. It would be a great advantage as regarded affording facilities for printing the votes, if those orders were disposed of at the early period of the evening.

Mr. *Hume* would willingly leave the matter in the hands of the Speaker, and withdraw his motion.

Motion withdrawn.

COPARTNERSHIP—CLERGYMEN TRADING.] House in Committee on the Banking Copartnership Bill. Several clauses agreed to.

Mr. *Courtenay* moved the addition of a clause, to include within the operation of the Bill the clerical partners in fire and life assurance companies.

The *Solicitor-General* observed, that the case of such partners did not come within the operation of the 57th of George 3rd, and, therefore, it would be unnecessary to include them in the present Bill.

Sir *R. Peel* would take that opportunity to express his regret that the Government had not moved for the appointment of a Committee, composed of the most able lawyers and the most eminent mercantile men in the House, to consider the whole case. Had such a step been taken, this benefit would have resulted—that there would have been placed on the records of the House a statement of the reasons which had induced Parliament to interfere for the purpose of reversing the decision of a court of law. The appointment of a Committee would also have been followed by this advantage—that all the cases requiring a remedy would probably have been anticipated, whereas it was now not unlikely from the necessarily hurried manner in which the Bill must be passed through its different stages, that some of these cases would not be provided for. At the same time he admitted that a necessity had arisen which justified the adoption of an extraordinary measure like that now before the House.

The *Chancellor of the Exchequer* could assure the right hon. Gentleman opposite, that but for the pressing nature of the case the Government would not have objected to the appointment of a Committee. Had the Government delayed to take immediate steps to provide a remedy in the emergency which had arisen, they would have been charged with timidity, and with unnecessary procrastination; and he doubted very much whether the appointment of fifeen Members of that House, to sit on a decision of the Court of Exchequer, would have given general satisfaction. A a proof of the necessity of adopting some measure with as little delay as possible, to meet the emergency which had been created by the decision of the Court of Exchequer, he could state, that a letter had been written to a certain banking company, intimating that if they did not agree to a compensation of a debt due to them by a person, against whom a fiat of bankruptcy had been issued, their whole claim would be resisted as illegal, several clergymen being members of that joint-stock company. That was certainly a most dishonourable proceeding; but if Government had delayed to take immediate steps on the present occasion they would have given a power to all fraudulent persons to resist the claims of joint-stock companies; and the evils which would have resulted as the consequence would, in a very short time, have been incalculable. These, he thought, were reasons sufficiently strong to justify the course which had been adopted; but he had one argument more. In the only other similar case which had come before Parliament the same course had been pursued as on the present occasion, so that Ministers were not only justified by the necessity of the case, and by a due regard for justice, but also by the only precedent upon record, in the course they had adopted upon the present occasion.

Sir *E. Sugden* said, the only question to be considered was one in regard to time, for it was impossible to pass this Bill without a full investigation of its merits, and of the causes which had rendered it necessary. The right hon. Gentleman appeared to think that the danger of being charged with timidity justified the course which the Government had pursued on this occasion; but was it possible for her Majesty's Ministers to ask any person to pass this Bill before it had been subjected to the investigation of a committee? He believed the House would not be asked to pass the Bill before a Committee had sat upon it, and it was upon that belief he had acted; and he therefore trusted that a full investigation would take place. The question, therefore, as regarded the appointment of a Committee was simply one of time. He might also mention that the Bill, as at present framed, would not meet all the difficulties which might arise from the late decision, and he hoped the measure would yet be rendered more general in its provisions.

Mr. *Courtenay* said, it seemed to him that a general misunderstanding pervaded the House in regard to the proceedings in the Court of Exchequer. The fact was, that no positive decision had yet been given; an opinion only had been expressed, and the House was not legislating in consequence of the decision of a judge.

Mr. *M. Philips* said, that facts had been stated of persons having already taken advantage of the present state of the law; and as many more might, before the end of the week, avail themselves of the decision which had been given in the Court of Exchequer, to resist payment of their lawful debts, he thought the Government perfectly justified in the course they had adopted.

Sir *R. Peel* said, that the opinion he had before expressed had been confirmed by what had fallen from his hon. Friend (Mr. Courtenay). The House was in fact called upon to act in regard to a decision which had not yet been given.

Mr. *Courtenay* could assure the House that no decision had yet been given. The judge had expressed an opinion, but had refused to give a final judgment till the special demurrer which had been taken should have been argued.

Sir *R. Peel* observed, that that was what he had stated, and he thought, before the Legislature had been called upon to interfere, there ought to have been a decision. The right hon. Gentleman, the Chancellor of the Exchequer, had stated that the Government would have been charged with timidity if they had acted in a different manner from what they had done; and he took credit to himself for the course they had pursued; but he could not conceive a more unnecessary display of courage than had been made by the Government on the present occasion. The right hon. Gentleman said, "See what magnanimity we possess in bringing forward the present measure on our own responsibility;" but he (Sir R. Peel) could give the right hon. Gentleman no credit for the course he had pursued, or the magnanimity he had displayed. The grounds of proceeding ought to have been placed on record, and the present measure ought not to have been brought forward simply on an opinion pronounced by a judge of the Court of Exchequer. There were some subjects of far less importance in regard to which the Government did not hesitate about the appointment of a Select Committee, and there could be little doubt that the present was a case which called for the fullest investigation. The remedy ought to be commensurate to the evil, and without inquiry it could hardly be expected that an adequate remedy could be provided.

The *Chancellor of the Exchequer* was quite satisfied that the course which the Government had pursued was perfectly justified by the circumstances. He, however, begged to say, that he had made no claim to courage in bringing forward the present measure, and he had only stated that the objection of timidity might have been raised against the Government.

The *Solicitor-General* said, that to all intents and purposes there had been a judgment. The court had decided that two clergymen being Members of a joint-stock company, the company could not enforce payment of a just debt. That decision, he thought fully justified the present measure, although he acknowledged that no formal judgment had been entered on the record.

Mr. *Courtenay* thought, that the circumstance stated by the Solicitor-General made an important difference in this case, so far as the Legislature was concerned. It was certainly important to know whether a judgment or merely an opinion had been given.

Mr. *Maule* thought the Government perfectly justified in the course they had adopted, but he did not think the bill would apply to every case. It simply had referrence to mere shareholders, and would not apply to those clergymen who were Members of the direction of joint-stock companies.

Sir *W. Follett* thought, that if the bill was to be made retrospective in its operation it ought to take in all parties. With respect to the interference of the bill with pending suits, it would be recollected by the House, that last Session a bill was introduced which affected causes that had arisen under the operation of the Municipal Corporation Act. He did not say that the bill ought to be made to apply to a case wherein a person might have caused a suit to be instituted to avoid the payment of a *bonâ fide* debt. There should be a protection against fraud. He must confess that he was not prepared to impose those restrictions upon clergymen which he found some hon. Gentlemen were, because he thought there were some occupations in which a clergyman might fairly and properly embark without neglecting his sacred duties, and with advantage to his family.

The *Solicitor-General* intimated that he should make such alterations in the bill as would make it applicable to clergymen, whether they were directors, managers, or shareholders.

Bill passed through the Committee.—House resumed.

QUALIFICATION OF MEMBERS.] House in Committee on the Qualification of Members Bill.

Sir *E. Sugden* begged to ask the right hon. Gentleman on the Treasury bench whether it was the intention of her Majesty's Government to take any part in this bill? It was of so important a nature that it ought to attract the attention of the Government. It appeared to him that the real object of the bill was to give that which was not really a qualification the character of a qualification, while it provided no means of testing the qualification of any persons who might be elected to represent a borough or county in that House. It was true that at present it was possible to evade the law. But he understood the real object of the hon. Member for Bridport to have been, to get rid of all qualifications. Not succeeding in that, however, he had now proposed a bill to establish something in shape or form of a qualification, but which in fact was a mere nullity, and intended to effect the other object. He was of opinion, that the greater the extent of the franchise, the more reason there was for a sure and proper qualification on the part of the representative. A man, either by inheritance, or by his own talent and industry working his way up in the world, might become possessed of property which would give an assurance to his constituency that he would perform his duties in a satisfactory manner. He did not mean to say that a man would neglect his duty because he was not possessed of property, but the possession of property was a security to the country in the case of a Member of Parliament for the proper discharge of the responsibilities of his situation. As to making personal estate a qualification, that might be a very easy plan, but not a satisfactory one. A man might reckon is furniture from his kitchen to his attic as sufficient to give him a qualification. But how would they ascertain its value? Would they employ surveyors or appraisers? Why, it was a well known fact that those persons scarcely ever agreed in the valuations which they made. There ought to be a ready test of the qualification, and not a long trial, and a tedious inquiry, as to whether a man's house was full of furniture or not, and so on. Looking with all the candour he could afford, on the present occasion, to that clause of the bill respecting annuities, he must say that he never saw a clause drawn more truly in the spirit of philosophy, to give to the eye that which was denied to the understanding. As to the oath, a man might very conscientiously swear that he was duly qualified, having respect to what was called personal property, and that was all required of him, and there was no mode of showing that his qualification was not good. He apprehended that on these and other grounds this bill ought not to be allowed to pass. Indeed he thought the hon. Member for Bridport could scarcely entertain a serious hope that it would pass.

Mr. *Warburton* would merely observe, that during the discussions which preceded the passing of the Reform Bill, when the qualification of Members elected to serve in Parliament came under the consideration of the House, a minister of the Crown stated, in his place, that it was never intended that the statutes regulating the qualification, should bear a stringent construction or be rigidly adhered to; that the only object was to secure the return of Members who would be respectable in station and character; that the object was not that they should actually possess the qualification required, but that they should be of a sufficient degree of respectability. Such, too, was the simple object of his bill. The number of petitions presented during the present Session against persons returned for not possessing the requisite qualification, was eighteen. That would serve to show the extent in which it was doubtful whether Members returned duly elected, possessed the requisite qualification or not. During the last Session, one of the Members for the county of Cornwall made a motion to do away with the property qualification altogether. During the discussions which that motion gave rise to, it was stated by several hon. Members, that they were willing to entertain the question, whether or not the nature of the qualification should not extend to personal as well as real property. He then thought there was a reasonable hope of inducing the House to entertain the present bill. For its provisions, or the mode by which these provisions were to be carried into effect, he had no particular affection, and would be glad to avail himself of the assistance and suggestions of the House towards devising a different or a better plan. In answer to the objections made by the right hon. and learned Gentleman, he would instance the case of the heir-apparent to a man possessing himself a qualification of 300*l.* or 600*l.* a-year. Now, the interest of the heir-apparent, which the present statutes considered a sufficient qualification, was, at most, but a reversionary interest. It might turn out, in point of fact, to be nothing. Unless the House were disposed to confer inquisitorial powers on the examiners of qualification, they could not get a full disclosure either with regard to landed or funded property. Let them take, for instance, the case of a secret transfer of the funds, and they would see the difficulty, nay, the impossibility, of effectually guarding against underhand dealings. He hoped that the House would not take up the matter as a party question, but as one of great public importance.

Mr. *Praed* would either go farther than the hon. Member for Bridport, or he would not go so far. That the bill was, in some respects, an improvement he did not mean to deny. He thought, however, the hon. Member's bill went too far in allowing professional income to amount to a qualification. The qualification arising from the possession of funded property, was a great improvement as far as it went. It may, perhaps, admit of a question, whether it was desirable to have any qualification at all. The great objection to the present system was, not that it exclusively permitted landed property to be the qualification, but that it gave occasion for gross frauds. That inconvenience would continue just as much under the present bill. With reference to the quotations made by the hon. Member for Bridport, and which he professed to find in a speech delivered by Lord Althorp, he (Mr. Praed) could only say, that he never heard Lord Althorp make use of any such expressions as that it was the present intention of the statutes regulating the qualification that the construction should not be stringent, or that there was such an object as the hon. Member had stated. In the case of landed property, the title deeds may, without inconvenience, be deposited for a short time; and in the case of funded property, there would be no difficulty in lodging with the officer a distringas upon 300*l.* or 600*l.* worth of stock.

Colonel *Sibthorp* would be glad to see the amount of qualification trebled, instead of being diminished. If the present bill was allowed to pass, he could not see how a fellow possessed of a common country stallion, whose labours produced him an income of 300*l.* a-year, might not be imported into that House as a Member of Parliament, and be a proper person to sit there. At the same time, he was not prepared to deny, that such persons might be much better qualified than many hon. Members who at present had seats in the House.

Sir *R. Inglis* recollected a case which occurred about two or three Parliaments ago, which went to show that a conveyance, which was considered as a mere accommodation, did actually vest in the Member for whose accommodation it was done, the absolute right to the property, &c., conveyed. It was held in a court of law, that the creditors of the person to whom the land was conveyed for the purpose of enabling him to qualify were entitled to the property in payment of debts. The best qualification, as it appeared to him, consisted in lands, whether freehold, copyhold, or leasehold, and the next best was money in the funds.

Lord *J. Russell* owned it did not appear to him to be especially incumbent on the Government to give an opinion upon this Bill. It was a matter of general legislation, upon which individual Members, being as much interested, were as much bound to give an opinion as the Government. He confessed, however, that in his mind it was not a matter of legislation of very high importance. He was ready to assent to a qualification, because he thought public opinion was in favour of a qualification; but as to any great particular advantage to be gained from it, he owned he had always been at a loss to discover it. He did not find that the English Members, who were compelled to qualify, were in any respect superior to the Members for Scotland, in whose case no qualification was required. Nor did he find that the Universities by reason of their not having a qualification elected persons less fit or less qualified than the Representatives of other parts of the kingdom. Therefore he did not himself attach any very great value to the qualification; and certainly he attached very little value to the qualification established by the Act of Anne. He thought that the qualification prescribed by that Act requiring Members for boroughs to have a certain amount of landed property was a qualification adverse to all the ancient principles of representation. Such a qualification could never have been intended originally, and he thought it was quite as little suited, if not less suited, to the present state of circumstances than to that which existed when the right of representation was first given. Every body admitted that a rich banker, or a person possessing large property in the funds, although he had not a single acre of land, was perfectly qualified to sit in that House. He had never heard any body contend that the principles of the Act of Anne were of any very essential use to the House. Entertaining these opinions with respect to the qualification, all that he could wish from the introduction of a Bill of this description would be to endeavour to make the law a little more agreeable to the fact. It was well known that there were persons sitting in that House whose qualifications, under the existing law, were doubtful, but who, under various clauses of the Bill now proposed, would be enabled to say that they were duly qualified with perfect truth. If some Bill of this kind were passed, the qualification of the Member would be that which he in fact possessed, instead of being, as was now too often the case, a purely fictitious qualification. He thought that such an alteration of the law was highly desirable. That, however, was the total amount of the advantage that could be gained from the adoption of a Bill of this kind. Therefore, he said generally that he was of opinion that a Bill extending beyond landed property to funded, leasehold and other tangible property, was a very good measure to propose. He should be further disposed to say, but upon that point he imagined a great part of the House would differ from him, that professional income should be considered as a good qualification likewise. Having made these general remarks he would only further observe that he did not think the proposition of the hon. Member for Aylesbury could be carried into effect *bona fide* without creating much vexation to many Members of Parliament; and he confessed he did not think it worth while for the sake of any exact or stringent qualification to subject Gentlemen to such a vexation.

Mr. *Hawkes* thought, that funded property should be admitted as a qualification as well as land. He was disposed to support the view taken of the subject by the hon. Member for Aylesbury.

Sir *Edward Sugden:* The House seemed to be agreed on all sides, that there ought to be some alteration of the qualification. There must be time allowed to see what that alteration ought to be. He would therefore propose, that the Chairman do now report progress, and ask leave to sit again, in order that time might be obtained to consider the subject, and to frame the necessary clauses.

Sir *Robert Peel* thought, that the difficulty to the Bill and the difficulty to the parties to whom it would apply would be in making the declaration, which was to be considered as equal to an oath. The Bill required, that Gentlemen elected as Members of Parliament should declare, that according to the best of their knowledge and belief they were entitled to sit and vote in the House of Commons. Now, suppose the case of a professional man, whose usual income did not exceed 100*l*. a-year, but who from some accidental cause had received an income of 300*l*. the year before he was elected as a Member of Parliament; was the fact of his having received the 300*l*. for the one year, without the reasonable prospect of receiving it again for the next year, or, in fact, of ever receiving it again at all, to be taken as a good qualification? The House would perceive, that under the provisions of the Bill now proposed, a difficulty would at once arise upon a point of that kind. He thought, therefore, that whatever qualification were adopted, great care ought to be taken to make the intention of the Legislature clear and precise. He certainly must say, that he thought the present qualification unsatisfactory. Land might be a very proper qualification, but it did not follow that it should be the only qualification. Under the existing system it was perfectly notorious that many Members sat under a fictitious qualification; and it was equally notorious that parties took an oath, that they were possessed of 300*l*. a-year in land, when in fact they did not possess a single acre. That being the case, it was impossible to resist the conclusion that the present qualification was unsatisfactory. He thought, that the objection might be remedied by allowing the qualification to consist of personal as well as landed property. If a respectable man were enabled to state, "I am in possession of personal property sufficient to entitle me to sit in Parliament," he thought that that would be more satisfactory in every point of view than the compelling him to go to a friend to obtain a temporary qualification. He confessed he did not see any great advantage that could result from agitating the question at all; but if a new qualification were to be adopted, he thought the simplest would be the best. Say, for instance, where a party did not possess land, that he should be required to have such an amount of personal property as would secure a certain definite income. That would be plain and intelligible. He (Sir R. Peel) would exclude all professional income, all chattel property, which in most instances consisted only of furniture, and even the stallion to which the gallant Colonel had referred. He would simply require that a Member of Parliament should possess a certain fixed amount, either of real or personal property. But as he objected to the present mode of procuring a fictitious landed qualification, so also should he object to the transfer of any amount of funded property for the purpose of giving a temporary qualification.

Mr. *Goulburn* concurred in the view taken of this subject by his right hon. Friend who had just sat down, and especially that care should be taken to prevent the "loose dealing" (of which the noble Lord had spoken) in funded property. Perhaps it might be thought that this was a question in which he ought not to interpose, inasmuch as he was one of those from whom no property qualification was required. But it should be remembered that the Members for the Universities were required to have some qualification in other respects; the Universities were obliged to return Members of their own body supposed to be qualified otherwise than by property. He did not mean to assert that applied to himself individually. With respect to this Bill, he thought it would be better to withdraw it from further discussion at present, in order to render its enactments more conformable to practice. If the Bill merely continued the present existing qualification with the addition of the qualification from funded property, it would be more likely to work well than in its present shape.

Mr. *Warburton* could not consent to extend the qualification merely to funded property, when he knew many leaseholds as good as freeholds. He had no objection to withdraw the provisions in the Bill as to professional incomes, and leave the qualification to be upon real and personal property of a tangible character. He desired also to equalise the amount of the county qualification to that now necessary for a borough qualification, viz., 300*l.* a-year. On that understanding he would consent to the Chairman now reporting progress, and he would frame clauses for the purposes he had stated.

Sir *R. Peel* could not consent to the undertaking the hon. Member for Bridport desired. He repeated, that he was ready to add personal to the existing landed qualification, but he could not commit himself to the proposition for making the qualification for counties the same as that required for boroughs. He reserved himself also on the question as to the amount of the qualification.

House resumed. Committee to sit again.

Affairs of Canada.] Lord *John Russell* said, that as the Canada Government Bill had been returned from the other House with only one amendment, the House would probably permit him now to proceed with it. The amendment made by the Lords was merely a provision requiring Members of the Special Council to take the oaths of allegiance before sitting or voting at the board. He therefore moved the House to agree with the Lords' amendment.

Motion agreed to.

HOUSE OF LORDS

Thursday, February 9, 1838.

Minutes.] Petitions presented. By Lord Kenyon, from three places, against the suppression of the Bishopric of Sodor and Man.—By Lord Gort, from the county of Limerick, against Grand Jury taxation.

Education—Ireland.] The Bishop of *Exeter* seeing the noble Marquess, (the Marquess of Lansdowne) wished to know whether it were the intention of the Government to propose a revival of the Committee for an inquiry into the new plan of Education in Ireland: and if that were not intended, whether Government meant to introduce any measure or resolution founded on the report of the Commissioners?

The Marquess of *Lansdowne* took it for granted that the right rev. Prelate had addressed him because he had been last year chairman of the committee which sat upon this subject; and he was very happy in being able to give the information which was required. It certainly was neither his intention nor that of her Majesty's Ministers to propose the revival of the Committee of last year. He was far from saying, that it was not possible that further information might be elicited, but looking to the extent of the inquiry, the great body of evidence which was produced, and the information which the Commissioners were enabled to afford in their last report, it was certainly not his intention to revive the Committee. As to the second question, he was not prepared at present to state that any measure was intended. The Report of the Commissioners had not been specially brought under the notice of the Government, which, if it were to determine upon submitting any measure founded thereon, would take care that due notice was given of such a proceeding.

The Bishop of *Exeter* said, that the next question which he had to put was, whether the recommendations contained in the fourth report of the Commissioners in the year 1828, relative to religious education, had received the sanction of her Majesty's Ministers?

The Marquess of *Lansdowne* replied, that he had already stated that the Report of the Commissioners had never been formally brought under the consideration of Government; but he had no hesitation in saying for himself that he fully concurred in the suggestions contained in the Report which had been referred to. The plan of education recommended, met with his entire concurrence and approbation.

The Bishop of *Exeter*: After the intention stated on the part of the Government not to revive the Committee, should not himself make a motion to that effect. If any steps, however, were taken in relation to the report and the evidence, he should consider such a proceeding most unjustifiable, unless her Majesty's Ministers were to give those who had been gravely inculpated by the evidence which was produced, an opportunity of being examined, should they deem it necessary. He thought no measure ought to be introduced without giving full and ample time, especially to the Commissioners, to have an examination entered into respecting the particulars which came forth in evidence. As the noble Marquess stated, that her Majesty's Ministers had not decided on bringing forward any measure, he should not presume to lay before them what was his ulterior intention; but he most cheerfully and gladly waited for the final decision of Government.

GLASGOW COTTON SPINNERS.] Lord *Brougham* held in his hand a petition respecting a species of offence on which very unfortunate errors prevailed, both amongst the working classes in that portion of the kingdom to which it referred, and also in Ireland. It was the petition of three delegates from the Cotton Spinners union of Glasgow. It stated that five persons, all operative cotton spinners, were imprisoned in the Glasgow bridewell in July, thence transferred to the gaol of Edinburgh, where they were tried and sentenced to seven years transportation, which was about to be carried into effect, unless the mercy of the Crown were interposed in their favour. The delegates, therefore, prayed that an Address should be presented to her Majesty imploring that such an act of grace should be performed towards them. It was fit, he thought, to state to their Lordships that the offences with which these men were charged were first stated in an indictment under ten counts, in which they were accused of conspiring, by means of assassination, and for the purpose of assassination, of arson, or "wilful fire raising," as it was called in Scotland, and of other injuries to the person and property; and also with a conspiracy, for sending persons hired by, and paid out of, the funds of a certain association raised by subscription, to perpetrate the crimes which he had enumerated. A graver offence it was not necessary to state, could not be committed by man, or made the subject matter of human accusation and decision. In that all mankind were agreed; even those who were most strongly favourable to combination, concurred unanimously in reprobating, as he did, and as he knew their Lordships would, crimes of the description he had mentioned. Now, on that indictment these men were kept in prison five months, including a portion of the winter. They were put on their trial on this indictment, and none other. It was found, however, at the beginning of the proceeding that it was necessary to depart from the indictment on which the whole rested, on which these men were confined, on which they were put on trial, and it was determined, therefore, to desert the diet *pro loco et tempore;* that was, to let off the prisoners on the first indictment, and instantly to recommit them on a fresh indictment. The counsel for the Crown added to those offences, already preferred, three of a grave character, if their Lordships would, hurtful to the peace of society, pernicious to trade, but above all, most emphatically mischievous, in their consequences to the operative workmen themselves, to that class of society to which these five men, who were now convicts, belonged as independent members. From acts of incendiarism, arson and murder itself, the counsel for the prosecution proceeded to arraign these men of offences, which, instead of being the worst, turned out to be of the very slightest import—of a combination to threaten, but with threats of a very inferior description, such as vexation, insult, annoyance, none amounting to arson or murder, and no arson or murder or any attempt tending that way being preferred. Such was the character of the three new charges which were for the first time made when the second indictment was preferred. After a long trial they were acquitted on the first indictment and convicted on the last. They were acquitted unanimously by the whole jury, because it was scarcely necessary to mention that in Scotland the narrowest majority, say six to five, was sufficient to decide a case. That was to say, they were acquitted on the ten counts which comprised every individual charge to which they were alone subject on the original indictment. In this country—he knew not whether such was the case in Scotland—a prosecutor would find himself in a most unfortunate predicament, the Crown would be placed in a most unhappy position, if the law officers preferred an indictment on which five men were arrested, taken from their families which depended on their labour for support, and kept in prison five months on charges found by the unanimous verdict of their countrymen to be unfounded. But worse than that, and a still more unfortunate predicament for the Crown would be, if its advisers were found to bring forward charges on which the men were acquitted, and all the time to neglect to arraign them for offences which they had committed, and of which they turned out to be guilty, and upon which, if they were included in the first indictment, there must have been a conviction: to impose upon them, in fact, an imprisonment of five months on a groundless accusation, and to cause a still further delay of justice, and a continuance of imprisonment for two months, on the charges on which they were finally sentenced. The fact was, that they were guilty of none but minor offences, but for them they were not indicted, they were accused of those of which they had never been guilty. The jury, which, as he had stated to their Lordships, need not in Scotland be unanimous, retired after the investigation and a long and learned charge from the chief justice. He would demonstrate to their Lordships that when they retired the majority of the jury were against the conviction of the prisoners even for the lesser offences; for they were out three hours, and the result was, that they found by a verdict only of eight to seven, the narrowest possible majority, that any offence, even the least of those of a less grave character, had ever been committed. Now it followed, demonstratively, from that circumstance that when they first went out they were not of that opinion; for if they had been they would have been glad, after a tedious inquiry, which had lasted eight days, to have called the roll and retired to their different occupations. It was, he repeated, clear to demonstration that one of the eight had been argued over, and that the verdict was thus decided. This, he thought, was a strong case for the interposition of the Crown; and when he spoke of the law of England, and appealed to the practice, he was glad to do so in the presence of his noble and learned Friend (the Lord Chancellor), whose especial duty it was to stand by the fountain of justice and watch the subordinate distribution of the stream. Of his noble Friend's inclination to do so he had no doubt, particularly when he called to mind the state of the English law on the subject. In the year 1824, by the 2nd and 3rd of George 4th., all the combination laws were repealed. It no longer continued to be an offence to enter into a combination to raise wages. Whether it was wise to repeal those laws without substituting some strong enactments had been among speculative men, the students of jurisprudence as well as among practical writers, a matter of disputation; but this was certain, that combination amongst either masters or men was no longer an offence, and any offence in combining must arise in cases where some criminal act was done, threatening the person or property, or for the purpose of preventing men from getting work, or making any man lose his work, or making any man join an association, or in any way impeding or obstructing the free application of labour. It was true that there was a proviso inserted in the Act, stating that threatening the person or property for the illegal purpose of inducing a man to leave employment was made more than a common assault or injury. Now what was the punishment inflicted by the 2nd and 3rd George 4th, chap. 95, on the party who was guilty of the lesser class of offences which he had mentioned?—Transportation? No such thing. Transportation for seven years, the sentence pronounced on those men who were found guilty of the less grave charges? Nothing like it. Transportation for a day or year? No. "Banished forth from Scotland," which we in England might consider a hardship, but which those who resided in Scotland were found very often voluntarily to undergo. No. Imprisonment for a year? No. For seven months? No. For five months? No. For the period during which these men were imprisoned before trial? Nothing of the kind. For the five months that these men were imprisoned on a bungling indictment, charging only the crime which was never committed, and omitting that of which the parties were guilty, on an indictment before it was known whether it could hold water, or whether this blundering piece of draftsmanship of the Crown lawyers was, with all its fringes and counts, worth the paper on which it was written? No such thing. Not five months, but just two months, was the maximum punishment in the way of imprisonment which was inflicted by that act of 2nd and 3rd George 4th, and that to which these men would have been subjected if in England they had been accused. If this case had been tried in England, instead of carefully avoiding any mention of the real offence in the first indictment, and mentioning only charges they were not guilty of, the indictment would have been drawn by careful, prudent men of business, filling the situation of Crown lawyers, upon which if these individuals had been convicted they would have been sentenced only to two months imprisonment, being the selfsame punishment inflicted on these poor men in addition to the first five months during which they were wrongfully and through the blundering of the Crown lawyers and their agents in Scotland confined. Seeing, then, that their punishment would have been only two months if tried in England, and that they had been confined for a period of seven months, including the five and the additional two months after the second indictment; and considering that the offence was of a slight degree and of a constructive character, as charging these men with being members of what was called "the guard committee;" he trusted that the royal ear would be approached with the kind and considerate counsel to extend the mercy of the Crown to persons who had undergone three times (and more) as much punishment as they would have suffered had their case been investigated in England. Although he totally differed from those who held combination to be an offence to the extent to which it was justified by the existing law, still he thought that such practices as those of which these individuals were found guilty were mischievous to trade, destructive to the peace of the community, and, above all, mischievous to the interests of the workmen. None suffered more than the real victims of these conspiracies—those who furthered them under the delusive notion that they were for their interests, and opposed to that of their intended victims, the masters. "I don't (continued the noble and learned Lord) go the length of those who tell the people elsewhere that they have no right to enter into combinations—that it is not right for them to combine. I utterly deny it. It is right to combine; and I hope men will continue to enter into combinations. The law says they may combine if they please. Masters may combine to lower the price of wages, and men may combine to raise them. Men may combine to resist the lowering of their wages. That is their indefeasible right. The Act of Parliament tells them it is no offence, and it may be a duty. There is no doubt of that. No good cause was ever advanced by a statement displaying gross ignorance, and by the unreflecting observation that all combination was a crime. Such a remark was as unfounded as to say that all law was a nuisance, because some instances may be found—and, God knows, as far as criminal law is concerned, not far off—of the existence of abuse. But, then, there is a much more grievous and far more perilous error in its consequences which other men fall into, and that is, that there is little or no offence in those unlawful acts by which the operatives suffer themselves to be disgraced and their welfare to be put in jeopardy." No man, the noble and learned Lord continued, had a right to combine for lowering or raising wages—for preventing men from working, or forcing men to join any association by means of threats of violence of any sort. Arguments in favour of combination were right; they might be resorted to as a duty. All peaceful means of furthering the interests, as they were conceived to be, of the working men against the plans of the masters; all endearing inducements, all means short of threats, were justifiable. Combinations of this kind the law allowed; and to say that they were illegal or mischievous would be just as tyrannical as the infringement which was committed on the liberty of a man when he was willing, but forbidden, to work for lower wages than those of his trade were willing to accept. That was the plain sense of the case, and it was undeniable law. Such was the advice which he felt bound to give to men of whom he had good reason to believe he possessed the confidence, having acted as their advocate in courts of law and in Parliament, and to assure them, that while he consented to present their petition, he could not do so without availing himself of the opportunity of pointing out the errors committed not only by those who had written this petition, but by other parties, particularly in Dublin, who did not appear to be at all acquainted with the distinctions which he had pointed out. With these observations he humbly begged leave to lay the petition before their Lordships, and to move that it be read.

Petition read.

Viscount *Melbourne* said, that if he had been aware that it was the noble and learned Lord's intention to present a petition of this nature, and if he could have supposed that the noble and learned Lord would enter into a long statement involving the law officers of the Crown in Scotland, he should have felt it his duty to make himself acquainted with the whole of the facts connected with the case. It had been the general practice of Parliament, in its prudence, wisdom, and discretion, although undoubtedly it had the power of deciding on questions of the exercise of mercy, as well as on those of every other branch of the prerogative—to exercise a very great care in considering such matters, seeing that it would open a door to the greatest possible inconvenience if this prerogative were frequently called in question, and made the subject of debate within the walls of Parliament. And he owned that he did not see anything in the present case, as it had been stated by the noble and learned Lord, to make it an exception to the general rule, or to induce their Lordships to interfere by an address to the Throne on this subject. It was admitted, on all hands, that these men had been convicted of an offence of a most pernicious character; and it was with very great satisfaction that he heard the concluding observations of the noble and learned Lord, which took off the impression which might be produced by the earlier part of his speech, when he stated that the Crown had failed in proving the offence of a grave character, namely murder or conspiracy to murder, but succeeded in bringing home to the accused an offence of the lightest character known to the law. He conceived that any violence or intimidation used to carry into effect any regulation of such an association, was an offence of the gravest and most serious character, and the more open the law had been made for allowing men to enter into combinations, the more necessary was it to check any attempt at violent proceedings by the most serious punishments which the law allowed. The noble and learned Lord had stated that the punishment which had been inflicted for the charges which were proved was severe and excessive, far more than would have been allowed by the law in this country; but when the combination laws were abolished, the fault which was found with the proceeding was, that the penalties were too weak and too light; and he must say, that if the offence were proved to the extent charged against these persons, the punishment which was assigned to it was not excessive, nor the infliction of it unjust. The noble and learned Lord had said, that the law officers bungled this case extremely. It was perfectly true, that they were obliged to give up the charge of the most serious offence and proceed in another form. There might be reasons for giving up the first indictment which did not arise from the circumstance that the offence was not committed, but because the evidence on which the law officers relied was not forthcoming, and therefore the indictment which was at first preferred was not sufficient, whether or not there were grounds for it. He begged leave to say, that he did not intend to give an opinion on this case, as he was not perfectly master of all the facts. He gave no opinion whatever as to the course which was pursued in respect of it, but he maintained, that the facts which were brought forward did not establish any misconduct on the part of the law officers of the Crown, nor prove that the punishment awarded was excessive. If their Lordships entered into the grounds of this application they would be obliged to examine into the conduct of the jury, the length of time they were out, and the proportion in which they voted. There would be no end to arguments of this kind if they were once admitted; and the conduct of the jury which had been referred to only proved the inconvenience of the law of Scotland in not requiring unanimity, and thus allowing questions to be raised as to how many voted on each side and what was the character of each. One great advantage of the verdict of a jury was, that it should be final; and if it appeared, that it was given in accordance with the evidence, and if there was no legal mode of attacking it by recourse to the higher legal tribunals of the country, it should not be made the ground for any further proceedings of an extraordinary nature. If they were to reflect on the length of time the jury took to consider their verdict, and the time they were out, and to make these circumstances raise a presumption for attacking the verdict, or at least bringing forward so serious a matter as the calling in question of the verdict of a jury and the proceedings of a court of justice in Parliament, there would be no end to such proceedings. Giving no opinion whatever on the course which should be adopted, and being convinced that the fullest consideration would be given to the case by those whose duty it was to inquire into it, he did not see that any peculiar claim was established for the interposition of their Lordships.

Lord *Brougham* explained: The noble Viscount had remarked on the very unusual though not unprecedented course of interposing between the sentence and the execution by an address to the Crown. The noble Viscount was mistaken in supposing that he had intimated any wish to make a motion on this subject. He had never intimated any such wish, but his supplication in favour of the prisoners was pointedly addressed to the Ministers of the Crown that they might listen to his statement. The noble Viscount had stated, that if he had known this petition was to have been presented he should have made it his business to see that he or some of his colleagues was informed on the subject of it. He had sent the petition either yesterday or the day before to the Home-office, and he had yesterday begged the attention of his noble Friend, the Secretary for the Home Department, as it was, he stated, his intention forthwith to present the petition. With respect to what had been said, that there was nothing extraordinary or out of the way proved against the officers of the Crown, he must conclude that his understanding was formed of very curious materials who did not see that it was something more than an every-day case to prefer ten charges, all of which failed in proof, and to omit the charge which alone could be proved. It was just as if a man were to take the indictments out of a drawer by chance, and to say, "If this cannot be proved, and is wrong, we shall go on another." The noble Viscount had stated, that the Crown might have good reason for abandoning the more serious charge. But the Crown did no such thing, but tacked the minor offence to the greater crimes. Bad as the first indictment was, they kept it, and tried to prove it. The noble Viscount also exclaimed, "The present proceeding only shows the evils of a want of unanimity which prevailed as to verdicts in Scotland." He would not argue that question, but those who were attached to the Scotch system maintained, that it was most unjustifiable to swear a man to return a verdict according to his conscience, and then if the jury could not agree, to dismiss them, or cart them, according to the old punishment, out of the county. He knew that it was often said in the law courts of this country, that it was better to have one obstinate man than eleven in your favour, for it was very likely that if he had a good stomach and a sound constitution, he would starve out the remainder. He thought it right to say thus much to mitigate the severity of the noble Viscount's indignation against the unhappy Scotch system, and to soften the extreme admiration he had expressed of the practice in England. The noble Viscount had argued, that these prisoners would not have been tried in the same way in England as they had been in Scotland. That was exactly what he maintained, and was a conclusive answer to the noble Viscount's conclusions.

Petition laid on the table.

SEE OF SODOR AND MAN.] The Archbishop of *Canterbury* said, that previous to the Order of the Day being moved for the second reading of the Soder and Man Bill, which repealed so much of an Act giving powers to agree to the recommendations of the Church Commissioners, as related to the Isle of Man, he was desirous of saying a few words, particularly addressing himself to the noble Earl opposite, who had brought in this Bill. He had received a communication from a high authority in the Isle of Man, which, as he conceived, opened so far grounds of accommodation as to warrant him in submitting the contents of that letter to the Church Commissioners. This he should do, and he hoped it would be the means of leading to an arrangement satisfactory to all parties; and he should therefore take the liberty to ask the noble Earl to postpone the motion for the second reading of this Bill until the meeting of the Commissioners took place, at which this communication would be considered. At the same time he should state, that of course he could not answer for what conclusion the Board of Commissioners might come to; he could only answer for himself, and could only say, that he should enter upon the consideration of the subject, and he should endeavour to persuade the Board to do so also, with an earnest desire of aiming at a conclusion satisfactory to all parties.

The Earl of *Ripon* said, that he understood the most rev. Prelate to say, that he had received a communication from the Isle of Man, which induced him to lay the contents of it before the Church Commissioners, and that he was prepared to do so, and that he did it in the hope, without prejudicing himself or any one else, of being able to bring this important question to an issue which should be satisfactory to all parties. As this was the only object which he (the Earl of Ripon) had had in view in bringing the subject before Parliament, and as he thought it infinitely preferable that it should be brought to an issue without incurring the necessity for a discussion within these walls, he should certainly acquiesce in the proposition of the most rev. Prelate, and postpone the second reading of this Bill to any day which the most rev. Prelate might find most convenient.

Order of the Day discharged.

HOUSE OF COMMONS,

Thursday, February 9, 1838.

MINUTES.] Bill. Read a first time:—Waterford House of Industry.

Petitions presented. By Captain PECHELL, from Brighton, by Mr. DENISON, from Reigate, by Mr. HEATHCOTE, from Tiverton, and by Mr. BRODIE, from Salisbury, in favour of Vote by Ballot.—By Mr. BRODIE, from Harfordbridge, against the continuance of Negro Slavery.—By Mr. ROACH, from Limerick, for the reduction of the duties on Marine Insurances, and for the abolition of Tithes.—By Mr. GRIMSDITCH, from Macclesfield, against the Rating of Tenements Bill.—By Sir F. TRENCH, from Lieutenant-General Sir G. Cockburn, against the Poor-law Relief Bill for Ireland.—By Mr. O'CONNELL, from the inhabitants of Dublin and its vicinity, to suppress illegal and violent Combinations.—By Sir R. Inglis, from Reading and Newbury, in Berkshire, against the suppression of the Bishopric of Sodor and Man.—By Mr. CRESWELL, from certain persons, for compensation for losses sustained by the Danes in 1807.—By Lord SANDON, from inhabitants of Liverpool, against the Rating of Small Tenements Bill.—By Mr. REDINGTON, from Dublin, for a reduction of the duty on Plate and Crown Glass.—By Mr. PEASE, from the county of Durham, for the abolition of Negro Apprenticeship.—By Mr. WAKLEY, eight petitions from various meetings of Tradesmen, in favour of the Glasgow Cotton-spinners.

CATHOLIC MEMBERS OF PARLIAMENT.] Mr. *Plumptre* said, he had a petition to present from 2,600 Protestants—persons of the highest respectability and property—upon the subject of the concession of legislative power to the Roman Catholics. The petitioners stated that they regarded the admission of Roman Catholics to legislative power, as equally at variance with Christian duty, and with the Protestant principles and character of the British constitution. The peril to the Protestant religion and more immediately to the Established Churches of the United Kingdom, having been apprehended, from the admission of Roman Catholics to legislative power, in order to obviate this danger, and as an adequate security for our Protestant establishments, it was by the act of the year 1829, for the relief of his Majesty's Roman Catholic subjects, enacted, that all members of that communion should, previously to their entering on their legislative functions, swear, "that they will defend to the utmost of their power, the settlement of property within this realm, as established by the laws," and also "that they do disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment, as settled by law within this realm;" and further, "that they will never exercise any privilege to which they are, or may become entitled to disturb or weaken, the Protestant religion or Protestant government in the United Kingdom." That, notwithstanding the security which this solemn oath was intended to provide, Roman Catholic Members of the Legislature have used their utmost exertions, in as well as out of Parliament, for the destruction of the Church Establishment, especially of that part of it existing in Ireland; that they have voted for the alienation of its property, a measure characterised by his late Majesty's prime minister, its advocate in the House of Peers, as a heavy blow to Protestantism in Ireland; and that they have also voted for the subtraction of church rates, from the revenues of the Church of England, not scrupling to avow, as their ulterior object, that the state should withdraw its support altogether from any particular denomination of Christians, leaving all alike to the precarious maintenance of the voluntary system, but with the ultimate design as the petitioners were convinced, of finally establishing the domination of the Popish superstition. The petitioners humbly submitted that the foregoing brief statement establishes, beyond all controversy, the two following facts:—1. That upon the admission of Roman Catholics to Parliament, a certain security was intended to be provided by the Legislature for the

Church Establishment. 2. That the security has proved wholly inefficacious. Under these circumstances, the petitioners humbly submitted to the House, that it is absolutely necessary to devise some more effectual safeguard for our national establishments; that scriptural authority, and the principles of the British constitution, as well as experience, call for the total exclusion of Roman Catholics, from the Legislature, and the petitioners humbly implore the House to take such steps as may be deemed advisable for the accomplishment of this essential object. Having adverted to the statements of the petition he had only to observe that he fully concurred in the sentiments it expressed. He never had but one opinion on the conduct of the Legislature in reference to the Roman Catholic concessions, and that it was, in every sense injurious to the welfare of the country.

On the question that the petition lie on the table,

Mr. *Wakley* begged to remind the House, that a short time ago, in consequence of an intimation from the chair, and in consequence also of an understanding that it was the sense of the House, he withdrew a petition which contained an expression deemed to be offensive to the other House of Parliament. He considered it his duty on that occasion to yield to the sense of the House. He thought, on all occasions, that it was most unfortunate when petitions contained any expressions which might be deemed derogating from the honour of either House of Parliament: but, in the case of the petition presented by the hon. Member, the petitioners, as plainly as words could express, imputed perjury to a large body of the Members of the House. He was sure that the hon. Gentleman himself was too candid to deny that such imputation was therein cast upon a large body of hon. Members; and the petition, moreover, prayed that between six and seven millions of our fellow-subjects in Ireland should be disfranchised. It was impossible to object to the reception of that petition on the ground of that prayer; but when petitioners stated, that Members representing an immense number of the British community, had been guilty, in the discharge of their duty, of the heinous crime of perjury, it behoved the character of the House, if it had any feeling for the reputation or honour of the country, not to receive such a petition.

Mr. *Plumptre* said, the petitioners considered that the security intended to be given by the act of 1829 had not been sufficient security. He thought that they did not mean to reflect on the character of Members, and conceived there was nothing in the language or prayer of the petition to exclude it from being received.

Mr. *Horsman* understood the petitioners to avow, that the conduct of hon. Members was not consistent with the securities given. He might have misunderstood the hon. Gentleman (Mr. Plumptre) but he understood such to be the averment of the petitioners, and that they distinctly impugned the conduct of certain Members.

Petition read at length.

Mr. *Wakley* observed, that it was quite clear the hon. Member for Kent had properly interpreted the sentiments of the petition, and that a clearer imputation of perjury against any body of men had never been made in that House, and he should, therefore, move as an amendment, that the motion for the reception of the petition be negatived.

Colonel Butler seconded the motion.

Sir *R. Inglis* believed the present would be the first instance of a petition, couched in the respectful language of that now upon the table of the House, being rejected. Petitions of a similar import had been frequently presented, and it was not by the construction that any hon. Member might put upon it that the petition was to be judged. It was needless for him to conceal the view which he took of the subject, but he assured the House that he was not aware of what the petition contained, or from whom it emanated, until it had been read. The petitioners were strictly in order. They alleged certain facts, and left it to the House to adopt its own conclusions. The petition stated, that in the year 1829 a certain measure passed that House, accompanied by certain securities, and it stated that these securities had proved utterly inefficacious. Did the hon. Member for Finsbury deny that such securities were given?—or would he deny, in the second place, that such securities had proved utterly inefficacious? Had they, or had they not, done anything to alienate the property of the church? If the hon. Member denied that, then he could understand his course of proceeding. The allegation in the petition was, that they had been instrumental in endeavouring to alienate the church property, and the petitioners stated that, so long as such conduct was adopted, the security which had been given proved inefficient, and they prayed that the House would adopt some measure to render it effective. In his opinion, nothing whatever was stated in the petition that could justify the House in refusing to receive it.

Mr. *Wallace* said, that it appeared to him that the petition stated that as a fact which really was not so. Nobody could doubt that the allegations in the petition went directly to verify what had been stated by the hon. Member for Finsbury. In his opinion, no language could more strongly convey the allegation of perjury against the Roman Catholic Members than that which was used in the petition. The Members to whom the petition adverted, instead of doing that which was alleged, had done all that they could to assist the House to improve the condition of the church. He believed that all the statements in the petition were utterly futile and groundless. The Roman Catholic Members, together with the other Gentlemen on that side of the House, had done all in their power to remove from the Church of England all the abuses which existed in it. This being his opinion, he should support the motion for the rejection of the petition.

Lord *Ebrington* agreed with his hon. Friend who had spoken last, that the allegations of the petition were utterly false and groundless in all their charges, both as applying to the Roman Catholics and the other Members on that side of the House. At the same time he was one who had always been an advocate for extending the greatest possible latitude to the receipt of petitions, and nothing except a strong feeling that the statements and charges in the petition were so wholly groundless and so plain, as to leave no possible doubt as to what their interpretation was, would induce him to vote for the rejection of a petition. He must, however, confess that the present petition appeared to him to go nearer to charge the Catholic Members with perjury than any he had ever yet heard; because it stated in plain language that a certain body of the Members of that House had taken an oath to preserve, to the utmost of their power, the Church Establishment; and yet that, in defiance of that oath, they had voted for measures which had a direct tendency to cripple the Establishment. They stated certain facts, and then they put their own interpretation upon them. He felt great doubt, however, whether it would be to the advantage of the House to set the precedent of rejecting a petition of that sort. As there seemed to be considerable doubt upon the question, he trusted that the House would be favoured with the opinion of the Speaker upon it.

The *Speaker* observed, that he had no difficulty in stating the opinion he entertained upon the question. When there was any doubt, he was always disposed to give it in favour of the reception of the petition. By a certain train of reasoning, the petition certainly implied that a certain class of Members in that House had violated an oath; but then the House ought to remember that it was a mere matter of opinion, and rested entirely upon the view or interpretation which the different parties put upon the oath. As his opinion had been called for, he would state that there was one objection to the petition which had not been mentioned. It was the rule that no petition was received which complained, or took notice of any statements or proceedings which had taken place within that House. The petition before the House alluded to proceedings which had taken place within that House, and complained of the conduct of certain Members. It then became a question, whether by receiving it they would not tend to open the door for complaints being made of the manner in which Members performed their duty.

Mr. *Barron* expressed the hope that the hon. Member for Finsbury would withdraw his opposition to the reception of this petition. He was one of the parties against whom the vile slanders had been made, and he despised them. The Catholic Members could afford to be slandered; and he, for his part, was always anxious that discussion should be had on these subjects. He stood there in defence of his honesty, his opinion, and the construction of the oaths he had taken; and he thought he was as capable of putting a construction on them as any man in or out of that House. He courted investigation, and defied the calumnies, the slanders, and falsehoods put forth on this occasion. He could say that he had acted conscientiously, and as an honest man, in the votes which he had given, and which were alluded to in the petition. He also believed that every man on his side of the House could say, with similar feelings of indignation and of honesty, that they had acted from pure principles, and they looked with the utmost scorn and contempt on the calumnies of individuals who dared to impute to them base falsehoods, treachery to their constituents and their country, and forgetfulness of the oaths they had taken. He flung back with indignation in the teeth of the petitioner the base calumnies —they were totally groundless and totally unfounded — but at the same time he hoped the House would not reject the petition, because he was at all times anxious that the petitions of all classes, from the highest to the lowest—from the most instructed to the most ignorant—from the most prejudiced and violent bigots to the most enlightened persons in the kingdom, should at all times be laid before that House. It was only by hearing opinions on all sides that the truth could be arrived at. If it came to a division, he should vote for the reception of the petition. He interpreted the oath he had taken as it had been acted on by the members of the Protestant Church—ay, and by the dignitaries of the church who had voted on questions relating to the church with him, and who had adopted the same opinion of Protestant interest that he had adopted. He conscientiously believed, and was morally convinced that, in voting as he had voted on these questions, he had voted with the real friends of the Church of England, and had consulted its true interests. In his opinion, the Gentlemen on the opposite side of the House, who prided th mselves on being the only friends of the church, shewed themselves by their actual conduct to be its greatest enemies. Every thing they did for the purpose of serving the church was actually injurious to iits real interest.

Petition laid on the table.

Poor Laws (Ireland).] The order of the day was read for the House to resolve itself into a Committee on the Poor Relief (Ireland) Bill. On the motion that the Speaker leave the chair,

Mr. *O'Connell*, in pursuance of his notice, rose to move as an amendment that the bill be committed that day six months. When the bill was before the House of Commons last year, on the 28th of April, he had addressed the House at considerable length on the measure. If there was any value in the arguments adduced by him on that occasion, they were in opposition to the bill, and to its second reading, and yet he had then avowed that he had not the moral courage to take the course of direct opposition to the bill, although he was perfectly convinced, not only that it was not a useful, but that it would be an injurious measure. Since then he had grown older and somewhat firmer; and he was now determined to take the sense of the House upon the committal of the bill, as he was thoroughly convinced that it could effect no benefit, and equally satisfied that it was calculated to inflict deep injury. He could not, however, enter upon the present question without congratulating himself and the House upon the manner in which the measure was discussed last Session. That discussion took place in the absence of all party feeling; and its effect was such, that any stranger reading the debates upon the subject would not know, such was the unanimity among the Irish Members, to what party any of the speakers belonged. He hoped that so excellent an example would be followed on the present occasion. He had no doubt that it would: he had no doubt that the present discussion would be carried on in the same spirit as the last. He frankly avowed that his own opinions were adverse to the principle of the introduction of any poor-laws into Ireland: at least, he was opposed to any such introduction as far as it regarded able-bodied persons and those capable of working for themselves, as it might induce them to refrain from their habitual industry and economy, and might prevent them from providing for the wants of age, and throwing themselves on the support of the law. He did not think that any such plan could be adopted without the production of the most injurious effects. It would be calculated to diminish self-reliance, to paralyse industry, to decrease economy, and above all, to damp and extinguish the kindly and generous feelings of nature towards parents, children, relations, and friends. Such were the natural effects of a general Poor-law; and it was in vain to hope by legislative means to supply the deficiency which it occasioned. He was, therefore, opposed to a general Poor-law; but, supposing that he was wrong in that respect, then he would take up this particular bill and object to it. As, in making that objection, he must necessarily go into an investigation of the different clauses of the measure, he might be met by a statement that those clauses might be amended in the Committee, and therefore, he ought not to rely upon the details of the bill in objecting to its principle. His answer would be, that it was not his intention, in his opposition to the bill, to rely upon any of the clauses which might be altered in the Committee. He would not rely upon the emigration clause, although an exceedingly mischievous one. He would not rely upon the clause making magistrates guardians of the poor; he would leave them eligible to be elected to those offices. He would not rely upon the clause excluding clergymen from filling the office of guardian. All those clauses might be altered in the Committee; nay, he would take it for granted that those clauses would be altered. But certainly he thought that no alteration could render them of any use whatever in diminishing his aversion to the bill itself. The first objection that he entertained towards the bill was, that it was introduced by itself; it was accompanied by no concomitant measure. In the last discussion on the subject the hon. Member for Donegal had expressed his surprise that her Majesty's Government had not suggested one accompanying measure to this bill. It must be taken by itself or not at all. The bill proposed to give relief to the able-bodied as well as to the aged and infirm. It gave relief to all classes of poor—to those who could work, and were prevented by various causes, as well as to those who were not prevented. No person, however, was to have an absolute right to relief. The decision on that point was to be in the hands of the Poor-law Commissioners or guardians. The bill excluded settlement. Of course, there being no claim of right, there could be no settlement; but even were that not the case, the bill would exclude settlements. All relief was to be confined to the workhouse. Such was the frame of the bill. The result was, that there would be no Poor-law in Ireland, except by name. The reason was, that the model of the bill had been taken from the Poor-law of England. But how different was the poor population of England from the poor population of Ireland! In England the Poor-laws had absolutely created a new species of population—a pauper population: a set of persons who indulged themselves in idleness at the expense of the parish, a set of persons who affected destitution without experiencing it. In England matters had at length arrived at such a point that 7,000,000*l.* were expended annually on the poor; and principally on individuals who were able, but who were unwilling, to labour. The consequence of all this was, that when any check took place the greatest dissatisfaction manifested itself; it burst forth in injuries to persons and property, in burning homesteads and farm-yards; and those outrages were especially prevalent in the southern provinces, where the Poor-laws had been most extensively carried into effect, and where the relief which they prescribed had been most extensively afforded. This was an example pregnant with proof how little at any time, and in any place, it was wise to expect advantage from poor-laws. The Bill was entitled, "A Bill for the more effectual Relief of the Destitute Poor in Ireland." It seemed to be an odd kind of phrase—"the more effectual relief of the destitute poor." It seemed to assume as a fact, that there was an existing "effectual relief." Was the present Bill to be considered an improvement on "effectual relief?" At present the destitute in Ireland had no relief. Was this Bill, therefore, an improvement, or was it only a blunder? But relief to the destitute poor was all that the Bill purported to give; relief of the destitute poor was the sole scope of the Bill. Mr. Nicholls, in his Report, made this strange distinction beween England and Ireland. He stated, that there was much more poverty in Ireland than in England; and, unfortunately, he told the truth; but he likewise said, that there was much less destitution in Ireland than in England. But thin partitions separated the terms poverty and destitution, and it was sometimes almost impossible to discriminate between them. The distinction was almost like one of the national mistakes: at least the phrase was an odd one to legislate upon; and yet a great deal of legislation was involved in that--proposition he would not call it—that distinction between poverty and destitution. Let the House now consider, what extent of relief the Bill, such as it was, could furnish. He was not arguing, that there was no direct poverty in Ireland; he knew too well there was: he was not arguing, that there was no destitution in Ireland; alas! he knew too well there was, the question was, how much of the destitution (but none of the poverty) was to be relieved by this Bill. The first thing that the Report on which the Bill was founded suggested was, that the Bill should take away one expense from the poor of Ireland; that it should relieve the poor not by direct but by indirect operation; for it was suggested, that at present the poor in Ireland were supported by a class poorer than themselves. No doubt a considerable relief to the poor was thus furnished. It had been stated, that the value of one million sterling was given away annually in Ireland, principally, if not exclusively, by the poorer classes to those who were one degree poorer than themselves. He remembered, that in the last discussion on this subject he had made that assertion himself. He would not now say if it was accurate; for he was in possession of no evidence on the subject—of nothing tangible with respect to places, times, and persons. He had no doubt, however, that considerable relief was afforded to the poor in Ireland in this manner. But this he would add, that no persons in Ireland ever complained of the relief thus afforded. On the contrary, when remonstrated with on the subject, they expressed their determination to continue it, and connected the giving of such relief with religious obligations, and considered, that it was productive of kindly feelings, and had a tendency to secure a reward in another and a better world. That was the feeling which generally prevailed. The relief was not afforded in money; it was afforded in a way not burdensome to the giver. A cottier planted a few more potatoes than he wanted, that he might distribute his superabundance among his poorer neighbours. Nobody felt this; nobody complained of this as a giving of alms; and it appeared to him, that it would be a delusion and mockery to say, that a poor-law would take away the necessity of such an expense. Upon this part of the subject he wished he could venture to bring before the House the mass of evidence which had been given as to the kindly disposition of the Irish poor. Their anxiety to afford each other relief; the watchful care of parents over their children, the filial affection of children toward their aged parents; the brother refusing to go abroad, when tempted by high American wages, because the mother was alive or the sisters were unmarried; the great sacrifices made for the gratification of these, the purest and kindest emotions of the human heart, which elevated the moral character of the Irish people above the population of any country on the face of the earth. To relieve Ireland from the exercise of all the domestic affections which he had described was the object of this Bill. To declare that a son should not remain at home to support his declining mother, to declare that a daughter should not cherish the last days of a venerable father—such were the objects of this Bill. Why, let them pass a hundred Bills, the Irish poor would continue to do their duty towards all who were endeared to them by relation and affection. The truth was, that in no country in the world was there a deficiency of benevolence to administer to the wants of the poor if there was property enough to enable that benevolence to effect its purposes. It was the want of property that caused destitution in Ireland; and it would be fruitless to attempt to supply that want, not by any scheme of raising free money, not by dispensing twenty millions, as in the case of the negroes, but by a Bill of taxation, to remove money out of the pockets of those who earned it into the pockets of those who did not earn it. Such was the scheme introduced for the purpose of forcing benevolence in Ireland! It was another feature of the Bill that this taxation was inflicted upon the occupiers of land in Ireland. That was another ingredient in the Bill which he was now opposing. The occupier of land, who held it without any profit, was to pay one half of the taxation; the occupier of land, paying more than it was worth, was to pay one half of the entire rate, because he was the occupier. The other half was apportioned thus:—Whenever the landlord received his rent out of the land, the tenant's profit over and above that rent was calculated; and where could there be a more fruitful source of litigation? The profit varied from year to year, according to the extent of the stock, or the capital laid out. Here was a running cause of litigation; in Ireland—in a country, in which, hitherto, at least, as had been said by a learned person, there was one law for the rich and another for the poor. Whether the state of things had been since ameliorated, he would not say; but enough remained in remote parishes to make the subject a constant source of agitation and violence—an incessant wrangle between the landlord and his tenant; and if the tenant refused to admit having a larger income than he really had, in how many instances might the landlord make it exceedingly dangerous to allege that he had not an income that would mitigate the landlord's taxation. It had been said that the poor-laws did not increase the property of the country, but merely altered its distribution. That had been taken up on another ground, and it had been said, that although it did not affect other countries, it would be beneficial to Ireland; because six sevenths of the income collected there was spent elsewhere, and contributed nothing to the poor. "Give poor laws to Ireland," it was said, "and you will reach that income." But this bill prevented that income from being come at. It charged the tenant with a proportion of the second half of taxation equal to his profit. If the tenant paid a fine and laid out that amount, instead of diminishing his taxation and increasing his profit, he increased his own taxation and diminished his landlord's taxation. A person who resided in Ireland paid this tax in a double capacity, which the absentee did not. The poor law would, therefore, be a bonus on absenteeism. The argument in favour of it, therefore, was totally annihilated, when it appeared that it gave an absentee a bonus, because he was an absentee; and injured the occupier in consequence of his being one. If, however, there really was any necessity for the measure, the way in which it was to be carried into effect was ridiculous. One of the purposes which the bill had in view was the erection of a hundred workhouses in Ireland. Each was to cost but 7,000*l.* and was to accommodate at least 800 poor, besides the Protestant chaplain, the Roman Catholic chaplain, the Dissenting minister, and a large staff of other officers. Now, it was impossible that such a building could be erected for 7,000*l.*; it would cost at least 10,000*l.* There would, therefore, be at once an outlay of a million to establish these hundred workhouses. The expense was to be charged on the counties by certain instalments. There would be thus 80,000 poor to begin with. But that number would no more do for the purpose than 800. Mr. Nicholls had made two journies of inquiry into Ireland, each of six weeks' duration. Evidently those journies must have been made with great rapidity; a rapidity, indeed, which could not have been achieved unless in the improved state of the post roads. The compliments which had been paid him upon the first report, were withheld from the last and no wonder. The first report had been preceded by the anxious and laborious investigation during three years, of individuals eminently qualified for the undertaking. They had delegated persons to inquire into the condition of the poor in every town, in every village, in every parish. They obtained minute evidence in every county through all its districts. They endeavoured to bring into their reports a great mass of matter of statistical value. And what became of these reports? They were thrown overboard; they were utterly neglected. It appeared that Mr. Nicholls hardly looked at them. They were considered as mere waste paper. The speed of the railway was triumphant. The labour of three years was held as nothing, that of six weeks as everything. There were hon. Members from Ireland also on both sides of the House, who would have been earnestly disposed, on the grounds of charity, to have contributed to the information necessary to form the basis of the undertaking; but they were never consulted, and were as much thrown over as the eminent persons to whom he had already alluded. The measure was founded on the sole opinion of Mr. Nicholls. Mr. Nicholls had got at 80,000 as a proper number in an extraordinary manner. He said it was proved that one per cent of the Irish poor were destitute; and to that observation he annexed some memoranda derived from various counties in England. One per cent of the poor, according to Mr. Nicholls, were relieved in England, in the poor houses. But he omitted to state that four per cent were relieved out of the poor houses. Let that be applied to Ireland, and it would appear at once that 400,000 instead of 80,000 ought to be relieved in that country. He (Mr. O'Connell) had pressed that point last year, and he believed that Mr. Nicholls had given it up, and had admitted it was a mistake. There was a second gentleman concerned in the inquiry into the state of the poor of Ireland, who bore a high name, although he (Mr. O'Connell) believed he was not highly connected: he meant a gentleman of the name of Stanley, of one of the public offices in Dublin.

Mr. Stanley was represented by Mr. Nicholls as a most competent person to the undertaking in which he was engaged. The passage he was about to quote would be found in Mr. Nicholl's second report page 24, paragraph 80. It was that part of the report which spoke of the proportions of the destitute in England and Ireland. Upon that subject Mr. Nicholls said, "Very different estimates, it is true, have been formed; but these, as before observed, appear to have been framed in total disregard of the distinction between the poor and the destitute." This was the favourite distinction of Mr. Nicholls; he denied any kind of identity between poverty and destitution. "There is more poverty," said he, "in Ireland, in proportion to its population, than there is in England; but I doubt if there is more, if so much, destitution. There is this difference, however, between the two countries; in England, the destitute are relieved at the common charge; in Ireland the destitute are, for the most part, supported at the charge of the poor, of those persons who are only elevated one step above the destitute in the social scale, and who, by the custom (amounting in practice to a necessity) of affording such support, are themselves reduced to the very verge of destitution." Might he (Mr. O'Connell) be permitted, by way of parenthesis, to ask whether this class of persons, when called upon to pay money for the support of the poor, would not be more rapidly driven into that state of destitution which already threatened them? "Under such circumstances," continued Mr. Nicholls, "to confound poverty with destitution is a mistake easily made, and hence the discrepancies adverted to; but I am relieved from the necessity of entering more at large into the consideration of this point by a statement which has been drawn up, at my request, by Mr. William Stanley, of Dublin, the author of an able pamphlet on the Poor-law measure. Mr. Stanley's local knowledge and position, and his intimate acquaintance with Irish statistics, peculiarly fitted him for the task; and I solicit your Lordship's attention to the important document which he has produced, a copy of which is inserted in the appendix No. 13." It would thus be seen, that Mr. Nicholls disembarrassed himself from any responsibility for the calculation of limiting the relief to 80,000 persons, because upon that point he quoted the authority of Mr. Stanley. He turned, therefore, to Mr. Stanley. There were many curious things to be found in his report; and the House would, perhaps, be surprised to hear that one of them was the superior chariness and caution with which the people in Ireland avoided early marriages. There was nothing, according to this report; about which the Irish people were so extremely cautious. Mr. Stanley showed that one-fourth of the adult population in Ireland was unmarried, whereas in England there was only one-eighth unmarried, and in Scotland only one-sixteenth; so that the Irish, upon this point of early marriage, were twice as cautious as the English, and four times as cautious as the Scotch. If any Gentleman required to find a proof of this fact, he would only have to turn to the forty-second page of the appendix, where Mr. Stanley gave the round numbers upon which his calculation was founded. Well, then, Mr. Stanley was to be taken as the great oracle upon the subject of the Poor-laws. He was the man who was in possession of all the necessary information—the man whose "intimate acquaintance with Irish statistics peculiarly fitted him for the task" of giving any explanation that might be required. Mr. Stanley, then, acting upon his profound statistical knowledge, gave an estimate of the destitution of Ireland, which estimate would be found at page 51, of the report. It was upon that estimate that the calculation of 80,000 persons being a sufficient number to relieve was based. Mr. Stanley, however, found himself hard pressed upon that point; but he was an accurate man, and made his calculations with great exactness; he was not one of your round-number calculators, one who indulged in loose and vague calculations of so many hundreds or so many thousands, but a man who reduced his calculations to units, and even to fractions, with the utmost exactitude. Mr. Stanley, then, had discovered that the exact number of destitute persons in all Ireland was 82,506—not one more, nor one less. Certainly, there was nothing like precision. Your general wholesale calculators were in the habit of taking things by the lump; but here was a man who was particularly recommended to the noble Lord (Lord John Russell) for his knowledge of Irish statistics, and who had ascertained to a man the number of the destitute in Ireland. This admirable calculator said, "Mr. Nicholls is greatly mistaken, when he tells you that the number of the destitute is 80,000; I have made my calculations upon the subject, and I find, reckoning every man, woman, and child, that the real number is 82,506." In another instance, the result of Mr. Stanley's calculations went to prove that Mr. Nicholls was in error. Mr. Nicholls had estimated the destitute in the proportion of one per cent. of the whole population. How did that apply to the city of Dublin? Mr. Stanley made the total number of the destitute poor in Dublin 5,646. Now that happened to be two per cent of the population. But Mr. Stanley had an explanation for every thing; and in reference to this point he said, that as more paupers crowded into Dublin than into any other town in the kingdom, it was only fair to calculate that there were twice as many in the capital as in any other part. Why so? But admit that it were so, admit that in Dublin the exact number of the destitute was 5,646, admit that Mr. Stanley was right in that calculation, still he (Mr. O'Connell) had an answer to it. An answer! from whom? From Mr. Stanley himself. Mr. Stanley, upon another occasion, made out the destitute poor of Dublin at fifty-seven thousand and some odd hundreds. He (Mr. O'Connell) would give the precise number—57,672. Mr. Stanley was an accurate man; he never spoke in broad; he reduced his calculations to the utmost exactness; yet there certainly appeared to be some discrepancy between the two estimates which he had given of the number of the destitute poor in Dublin. It would, perhaps, strike the House, as it did him (Mr. O'Connell), that there was a material difference between 57,672 and 5,646, yet there could be no doubt that each of these calculations had been most profoundly entered upon, and most carefully worked out; because there was no man who had a more "intimate acquaintance with Irish statistics" than Mr. Stanley. Lest it should be supposed, that he (Mr. O'Connell) was misrepresenting Mr. Stanley, he would give the House the benefit of an extract from one of that gentleman's prize essays, for Mr. Stanley had gained two prizes of 100*l.* each for essays upon the condition of the Irish poor. In one of those essays he said,

> "The indigence of Dublin roomkeepers is, perhaps, without a parallel in all the world besides. According to a report from a benevolent society which collects alms for them, there were 5,424 families, containing 21,283 persons, relieved at their places of abode in the months of January, February, and March, 1831 (see *Saunders's News Letter* of the 13th April, 1831); and it appears by the report of the society for 1830, that there were relieved in that year no less than 9,622 families. In addition to this mass of miserable human beings, depending on voluntary alms, there are always in the Mendicity Institution about 2,000 persons; and there are many vagrant beggars in the streets, who beset any respectable person seen entering a shop. They are also to be found in large numbers at the doors of every Roman Catholic House of worship."

Now, taking the number of destitute families at 9,622, and allowing, according to Mr. Stanley's own calculation, a proportion of 5½ persons to constitute each family, the total number of the destitute in Dublin would be 52,921. But now, when he came to furnish the statements which were to form the basis of a measure for the introduction of a system of poor-laws into Ireland, Mr. Stanley abandoned all his former calculations, and reduced the number of the destitute in Dublin to 5,646. Was such a man to be published to the noble Lord (Lord John Russell) as one upon whose statements he was to rely, and who was to supersede Mr. Nicholls in the office of making any calculations at all? He (Mr. O'Connell) now begged to call the noble Lord's attention to the evidence on which this Bill was founded. There was no evidence that the affording relief to 80,000 persons would be sufficient except the evidence of Mr. Nicholls, who had since admitted that he had been mistaken in calculating the amount of pauperism at one per cent. only, the real amount being five per cent. Mr. Stanley's evidence was of the nature he had described. There was no other evidence to support the Bill. Could any reliance, then, be placed upon a measure concocted upon such bases as the report of Mr. Nicholls and the calculations of Mr. Stanley? But what was the real amount of the destitution of Ireland? Alas! it infinitely exceeded any of the calculations of the Poor-law Commissioners, who, taking man by man, found that there were 585,000 heads of families in a state of actual destitution during the greater part of the year. These 585,000 families would comprehend a population of about

3,000,000, of whom two-thirds might be classed as destitute for a part of the year, and one-third for the whole of the year. Here, then, was a population of, at least, 1,000,000 for whom, if the species of support which they at present received were taken away from them, it would be necessary for the Legislature to provide for by the poor-law. He begged the House to look at the facts before it, and to deal with them as they really were. Let them have no legislation upon the subject by mistake, nor deception or delusion of any kind. The state of Ireland certainly was a frightful one. Taking its poverty and every thing else connected with it into consideration, no one could deny, that the state of Ireland was frightful. It was known from the Report of the Commissioners, that there was a mass of population amounting to not less than 1,000,000 in a state of actual destitution. Was there no other test to show what the destitution of the country was? Take the agricultural labourers of the two countries. The House would probably suppose, that there were more agricultural labourers in England than in Ireland; that was not the fact. There were in Ireland 75,000 more agricultural labourers than in England. The gross population of Ireland was much less than that of England, but the number of agricultural labourers was, as he had stated, much greater. The actual number of persons employed in agriculture in the two countries was as follows:—In Ireland, 1,131,715; in Great Britain, 1,055,982; giving an actual surplus to Ireland over the rest of the kingdom of 75,733. When it was remembered, that the agricultural labourer received his wages out of the produce of the land, it would at once be perceived, how great was the disadvantage under which Ireland laboured, in consequence of the surplus of agricultural population. Observe the disproportion between the two countries. In England about one-fourth of the whole population was employed in agriculture; in Ireland the proportion of agricultural labourers to the whole population was fully two-thirds. The only source from which these labourers could receive payment of their wages must of necessity be the return procured from agricultural produce. Now mark the difference that existed between the two countries upon that point. Ireland had a greater number of agricultural labourers than Great Britain; but had she a greater number of cultivated acres of land? Far from it. In Great Britain there were 32,250,000 acres of cultivated land; in Ireland there were only 14,600,000. That, to be sure, was nearly one half; and when the greater productiveness of the soil (supposing it to be properly cultivated) was considered, it might be reckoned as equal to nearly two-thirds. But the soil of Ireland was not sufficiently cultivated, and, therefore, notwithstanding its natural fertility, it was much less productive than the soil of England. In Great Britain the produce of agriculture amounted in money to 150,000,000*l.* a-year, whereas in Ireland it amounted only to 36,000,000*l.* Thus it appeared, that although the quantity of cultivated land in Ireland was within a fraction of equal to one-half of the quantity of land cultivated in Great Britain, the value of the produce of the land cultivated in Ireland was less than one-fourth of the land cultivated in Great Britain. Whence did this arise? The soil of Ireland was more fertile than that of England. Why did it produce less? The cause was well known. It was the want of capital to lay out in the land to make it as productive as it would be. This was the cause of the evil; and what was the remedy? Truly a most notable one—a remedy that met the evil to a miracle. The cultivators of the land were too poor to improve its natural fertility; therefore, to assist them in their exertions, and to make their labours more profitable, it was proposed to place an additional tax upon them. Was that wise? Would that increase the produce of the land? Would it tend to the improvement of the condition of the poor? Did the House forget that every shilling taken in the shape of taxation from the capital employed in agriculture was in fact a shilling taken from the wages of the labourer? Was it not obvious that by adopting such a course the House would be taking away the means of improvement and annihilating all prospect of future advantage? There was another view of the poverty of Ireland which he thought might be interesting to the House. The House was aware that at present all the taxes, except the assessed taxes, which were payable in England were equally payable in Ireland. He had looked over the finance returns which had been made up to the 5th of January, 1837, to ascertain the relative productiveness of the two countries. He found, that for the year ending the 5th of January, 1837, the total gross revenue of Great Britain was 55,085,150*l.* 9*s.* 3*d.* [Mr. Cobbett used to say that he loved the three-farthings at the end of the account of the national debt], whilst the gross revenue of Ireland during the same period amounted only to 4,807,402*l.* 1*s.* 3*d.* The assessed taxes were included in the gross revenue of Great Britain; but the assessed taxes amounted only to 3,926,550*l.* 16*s.* 6½., which, deducted from 55,085,150*l.* 9*s.* 4¾*d.* left an amount of revenue derived from the same sources as in Ireland of 51,158,599*l.* 12*s.* 10¼*d.* So that Great Britain, with a population of 16,000,000, produced on the same taxation more than ten times and one half, indeed more than eleven times, the revenue produced by Ireland with a population of 8,000,000. Could anything more strongly demonstrate the inferiority of Ireland in point of property? And what was the remedy proposed? Why, to add another million to the amount of her taxation; to increase her taxation by one-fifth. Ireland certainly had suffered much—nobody could deny that—from her connexion with England. Century after century Ireland had been the victim of harsh and tyrannical laws: for a century education was prohibited in Ireland—no one of her inhabitants could be educated—it was a crime to learn—a crime punishable with transportation, and return from transportation was death. For another century there was a law to keep the people from being industrious, and to prevent their acquiring property. During that century, if any Roman Catholic purchased an estate, the moment he did so it was only necessary for any one of his Protestant neighbours to make a statement of the fact—to say, "This man is a Papist, and has purchased an estate—give me his estate and let him go without his money," and the law immediately gave a decree in his favour. Was it surprising, then, that the country should be found unenlightened and poor after it had been subject for so long a period to the operation of such laws? He did not mean to introduce anything polemical or litigious into the discussion upon that occasion; but he must be permitted to ask were these laws abolished altogether now? Was there no remnant of them in the municipal corporations of Ireland? Before the House legislated for Ireland upon the subject of poor-laws, let it reflect upon these things. But when he (Mr. O'Connell) showed such causes of misfortune and distress, let it not be supposed that he was contending that Ireland had not secured some remedy for some of her grievances. All that he was contending for was, that before she was made subject to the operation of a poor-law, she ought in all other respects to be placed upon a perfect equality with England. If he were asked what poor-law he would give to Ireland, his answer would be this: place her upon a perfect equality with yourselves—let her be part and parcel of your realm—give her the advantages which you enjoy, and she will maintain her poor without difficulty to herself, and without trouble to you. That was the poor-law he would prescribe. It might be said, that the English Members in the House were interested in the establishment of poor-laws for Ireland. If, indeed, there were any who felt an interest of that kind, he thought he might appeal to their justice as well as to their common sense upon this point. It involved nothing of politics, nor of religious distinctions; but he wished to put this point to the English Members of the House. Mr. Nicholls had reported—and reported truly—that in no part of the world were the people less disposed to go into workhouses than the Irish. Mr. Nicholls need not have gone beyond Bristol, Liverpool, and Manchester, to ascertain that fact. Everybody who knew anything of Ireland and of the character of the Irish peasantry, could have informed him of it. What was the consequence? Why, that the Irish adult labourer would never go into a workhouse in Ireland as long as he could earn twopence a-day in England. At present, if the labourer remained in Ireland he had usually some friends to fall back upon when employment was scant or not to be procured; but under the operations of this Bill that resource would be taken away from him, and the only alternative for the labourer would be to go into the workhouse or to seek employment in England. He would invariably prefer the latter; so that the effect of the Bill, instead of diminishing the emigration from Ireland into England, would be most materially to increase it. The Irish poor would flock over here in troops—they would be content to work at the very lowest rate of payment—they would thus diminish the wages of the

English labouring population, and increase in a tenfold degree all the inconveniences and all the injustice which were supposed to result at the present moment from the competition of the Irish in those fields of labour which belonged of right to the English. He was anxious to close his observations as speedily as he could, but there was one other point which he wished to bring under the consideration of the House. He wished to direct the attention of the House to one particular portion of Ireland, with the view of pointing out what the distress there was, and what the conduct of the peasantry had been. In Mr. Nicholls's report, page 12, paragraph 29, he spoke of the necessity of applying his panacea as well to the north as to the south of Ireland. He said, "In speaking of the north of Ireland I ought to except the county of Donegal, the inhabitants of which differ materially in character and circumstances from those of the other northern counties, and approximate more nearly to those of the extreme west and south. Small holdings and minute subdivisions of land prevail in Donegal to a greater extent than I have found in any other part of Ireland; and the consequent growth of population has been there so great as to press hard upon the productive powers of the soil, and to depress the condition of the people to nearly the lowest point in the social scale." He implored the House to bear with him whilst he read one paragraph more, the thirty-first paragraph, describing the state and character of the population of Donegal;—"Nothing can exceed the miserable appearance of the cottages in Donegal, or the desolate aspect of a cluster of these hovels, always teeming with an excessive population. Yet if you enter their cabins, and converse with them frankly and kindly, you will find the people intelligent and communicative, quick to comprehend, and ready to impart what they know. They admitted that they were too numerous, 'too thick upon the land,' and that, as one of them declared, 'they were eating each other's heads off,' but what could they do? There was no employment for the young people, nor relief for the aged, nor means nor opportunity for removing the surplus numbers to some more eligible spot. They could only, therefore, live on, 'hoping,' as they said, 'that times might mend, and that their landlords would sooner or later do something for them.' Yet, with all this suffering, no disturbance or act of violence has occurred in Donegal. During the severe privations of the last summer, when numbers were actually in want of sustenance, there was no dishonesty, no plundering—the people starved but they would not steal; and although their little stock of cattle and moveables have been notoriously lessening these last four years, and especially in the last year, which seems to have swallowed up nearly all their visible means, they have yet paid their rents—the occupier's share of the produce has been insufficient for his own support, yet the landlord's share has generally been paid in full; and I was assured by the agent of one of the largest proprietors, that he had no arrears worth noticing." Now what was the poor-house remedy for this distressing state of things? What did the poor-house do to enable these poor people to pay their rent? How was their condition to be improved by boxing them up in a workhouse? Was it supposed that this system of imprisonment would improve the morals of the people, or increase their affection and respect for those who ruled them? Donegal was greatly distressed; but there had been no disturbance, no violence in that county, nothing to prevent capital from flowing in there, nothing to prevent industry from being promoted and encouraged. Yet what a picture of destitution was drawn there; and how melancholy a contrast was found between the moral conduct of the people on the one hand, and the utter and complete wretchedness of their physical condition on the other. But you would imprison them. Imprison them! For what? Why would you imprison them? They had committed no crime—they deserved no punishment. Why, then, were they to be shut up in a workhouse, which in every point of view was tantamount to close and severe imprisonment? Oh, Sir, (continued the hon. and learned Gentleman), this is no remedy for the ills of Ireland—if you think to quiet her by these means, I tell you you are totally mistaken. My opinion is, that by holding out a prospect of relief, which this Bill will not give you, will be stopping to a considerable extent the natural flow of charity, which now enables the poor to live. Hereafter, if this Bill shall pass, when a poor creature asks for arms the cold reply will be, "Go to the workhouse!" Is there anything more likely to create distraction and confusion, disturbance and trouble? The idea of the workhouse is so hateful to the people that, unless great care be taken they will adopt some violent course. But supposing the people to submit to the imprisonment which is to be made the condition upon which they are to be fed, is it not probable that, deprived of every family comfort, and of all that tends to mitigate the asperities of the human character, they will come out of your great prison houses infinitely more disposed to enter into a desperate prædial warfare than at any former period. I feel satisfied that by this Bill, instead of tranquillising the country, you will be sowing the serpent's teeth, which hereafter will rise up armed men to oppose and distract you.

Lord *John Russell* thanked the hon. and learned Gentleman for the temperate tone in which he had discussed the measure. If the hon. and learned Gentleman paid a very just compliment to the disposition of the House during the last session to discuss the question without any mixture of party feeling, he must say, that the hon. and learned Gentleman's speech of that evening was well calculated to keep up that disposition; for nothing had fallen from him that could possibly tend either to excite party feeling, or to produce an acrimonious disposition with regard to the proposed law either in that House or in Ireland. He differed very widely from the view of the hon. and learned Gentleman. He had stated on a former occasion the grounds upon which he thought the introduction of a Poor-law advisable for Ireland, and many of those reasons it was unnecessary for him to repeat; but at the same time he would state some of the grounds upon which it appeared to him that the hon. and learned Gentleman was mistaken, both in his general conclusions with respect to the operation of Poor-laws and in the ground of his opposition to the present Bill. The hon. and learned Gentleman had very fairly and very candidly declared at the outset of his speech that he was against compulsory relief altogether — that whatever the merits or demerits of the Bill, no system of Poor-laws for Ireland which imposed compulsory relief would satisfy his objections. The hon. and learned Gentleman held that compulsory relief was altogether an error — that it dried up the sources of private charity, and ought not to be resorted to by any state. That was perhaps too large a question to enter upon at that moment; but he must refer again to what he stated in some detail last year —that, with respect to this country as well as other countries, compulsory relief to the poor had been one of the means by which the prosperity of those countries had been advanced. And now, without alluding too particularly to the circumstances of this country, he would ask, in the first place, in what countries had the abuse of the Poor-laws been carried to the greatest extent—in what countries had there been the greatest profusion, the greatest improvidence, the most extreme prodigality, in administering compulsory relief to the poor? He should say, that those countries in Europe in which this prodigality had been carried to the greatest extent were England, Holland, and the canton of Berne. In all of these countries abuses very nearly similar, and all having the same origin, had existed. But if any person were to travel through England, Holland, and the canton of Berne, and were to compare the condition of the people in either of those countries with the condition of the people in other countries in which Poor-laws were unknown, he would ask him to judge by the result, whether general prosperity and general comfort did not exist in those countries in which Poor-laws were established; and whether misery and destitution did not prevail in those countries where they were unknown? Speaking of England more particularly, he (Lord John Russell) would say, that the introduction of the Poor-law was the introduction of the means of order. He would presently refer to the particular interests of the landlords, of the farmers who paid the rates, and of the destitute poor themselves, all of which were materially influenced by the Poor-laws; but with regard to the general order of the country, he must say, that from the introduction of the Poor-laws in the reign of Elizabeth was to be dated the period at which the general—he would not say anarchy and confusion—but the general mendicancy and robbery which prevailed throughout the country gave way to a system of laws which compelled every being to account for himself—to state why he was a beggar, and either to receive relief or to submit to the discipline of the laws. Under the operation of that law a better state of things was speedily produced. The hon. and learned Gentleman said, that in Ireland there was a want of capital, that there were millions of persons in a state either of poverty or of great distress, and that the great remedy for these evils was the introduction of capital. There were general rules and general principles which governed these matters. A man could not say—and this was one of the mistakes into which those who proposed laws had frequently fallen — a man could not say, that by any particular law—by the introduction of any special measure, either legislative or administrative—he could produce prosperity in a country. That which he could say— that which he ought to say—that which good legislation effected and good administration forwarded—was this: that every individual being disposed to exert his industry to the utmost—being disposed to look for a reward for his exertions by securing to himself an increased degree of comfort—every individual seeking by honest endeavours to advance his condition in the world, should be able to effect that in consequence of th good laws and good administration which prevailed. What were the obstacles to attaining such advantages? One of them was the absence of freedom and the existence of a system under which the liberty of every man was at the mercy of tyrannical laws. Such a system would prevent, and did prevent, a country from proceeding in a course of prosperity. But there was another obstacle which might be quite as hurtful and quite as injurious, and that was where regular order did not prevail, where there was no security for person or property, and where a person who was willing to lay out his capital, and to endeavour, by means of industry and the exertion of his skill, to obtain the honourable and just reward of wealth and distinction, was prevented from so doing by the imperfect security which the state of society afforded him. Now, was that or was it not one of the evils which for a long course of years had afflicted Ireland, and exercised a disastrous influence upon her interests? He maintained, that whatever the Government and the Legislature could do to put down outrages in Ireland, and to prevent persons from invading property would tend materially to promote the prosperity of the country. A Poor-law by giving the people the means of subsistence tended more certainly than any direct law could possibly do to introduce prosperity at once amongst the inhabitants of any country. Amongst the evils which afflicted Ireland must be considered the great number of persons who were dependent for support upon the resources of private charity. The hon. and learned Gentleman said, that in his opinion, there were at least a million of persons in Ireland in a state of destitution. Now, supposing that that calculation was any thing near the truth could it be imagined that amongst a million of persons entirely dependent for subsistence upon the charity of private persons, and traversing the country from one extremity to the other — could it be imagined, he asked, that amongst such a mass of persons there should not be many who would naturally seek to disturb the peace of the country, and who, if unable to obtain their subsistence from charity, would endeavour to obtain it by depredation? That, therefore, was one reason, and, he thought, a very principal reason, why something in the nature of a poor-law ought to be introduced into Ireland. The hon. and learned Gentleman, at the commencement of his speech, stated that this compulsory mode of relief would impose a very large tax upon the occupiers of land, that they would be very great sufferers by the introduction of a poor-law, and that, instead of bestowing charity, they would have to pay a tax. But let the hon. and learned Gentleman bear in mind the comparison of the present state of things with what would then exist. Everybody must admit, that a very large amount was now given by the occupiers of the land in order to maintain those persons who lived upon charity, the greater part of whom were regular and established mendicants. The hon. and learned Gentleman said, there were a million of persons in Ireland in a state of destitution, and that he believed a sum not less than 800,000*l.* or 1,000,000*l.* was given to them in charity. Now, if they could suppose that there were a million of persons in a state of destitution, surely they could not imagine that the sum of 800,000*l.* or 1,000,000*l.* was an adequate relief for them; on the contrary, it must be considered very inadequate. The persons who gave this relief, and supplied the whole subsistence of the destitute, were the occupiers of the land. What the Government proposed then was, that instead of this mode of affording relief there should be a tax levied partly upon the owners and partly upon the occupiers; which tax would, of course, come into every calculation made between landlord and tenant with respect to the renewals of leases, the amount of rent, and the other arrangements for the holding of the land. Was it not evident, then, that that burden which even the hon.

and learned Gentleman must admit at present to exist, and which now fell entirely on the occupier, would be in future a charge divided between the owner and the occupier, and of which the absentee proprietor would necessarily have to bear his share? And having so to do, the absentee proprietor would consider more narrowly and closely what were the means by which the land might be improved, and by which the burden of destitution might be diminished. He was surprised that the hon. and learned Gentleman, in the various speeches and letters which he had addressed to the people of Ireland, should have argued that by this tax the landlord would be benefitted and the occupier oppressed. On the contrary, he (Lord John Russell) conceived that nothing was more plain and undeniable than that at present the farmer, however poor, however bordering on a state of destitution himself, had to bear the whole burden of relieving the poor, while by this measure it would in future have to be borne equally between the landlord and the farmer—if, indeed, the landlord would not have to bear the greater part of the burden himself. He need hardly go into a consideration of the great advantage that would arise from the distinction which would naturally be drawn, when method and regularity were observed, between the impostor and idle mendicant, and the deserving and destitute poor. That distinction must and would be made, when relief came to be administered regularly by a board of guardians possessing the requisite local knowledge, and aware of the real circumstances of the country—a distinction which could not now be made by the poor farmer, who, though he might in general give relief from charity, often, no doubt, gave it because it was almost impossible to refuse. In many cases alms were demanded from fear, not solicited from benevolence. The farmer would, of course, be relieved from that portion of the burden, which the State would take care should not be obtained by persons who had no clear or just claim to relief. There was another consideration deeply affecting the landlord, to which he had already alluded, and which he had no doubt would before long be felt, and that was, that the landlords having to pay a part of this burden would take a very deep interest in all the local concerns of Ireland, and in the improvement of their own estates—even those among them who had hitherto been the most neglectful in that respect—and in the general prosperity and advancement of that district in which they had a more peculiar personal interest. Therefore, in that way, as well as in others, the general amount of poverty would be diminished. The hon. and learned Gentleman seemed to deny the distinction between poverty and destitution. But, notwithstanding the hon. and learned Gentleman's denial, there appeared to him to be an obvious difference. There might be a whole country almost entirely filled with persons who were in a state of poverty, and none of them of large means or possessing anything like wealth, and yet there might be none of those persons so near the condition of destitution that they would think it necessary to submit to any privation of personal liberty in order to obtain food. Now this he believed to be the condition of a great portion of the people of Ireland. He conceived their condition to be very wretched, very unfortunate; but, at the same time, he thought that a very large proportion of them, if relief were tendered to them coupled with restrictions on their personal freedom, would not be induced to accept that relief. The hon. and learned Gentleman had asked what remedy would be afforded for the condition of all these persons by the adoption of a Poor-law? Now he had always expressed a desire that neither in that House nor in Ireland should any extravagant expectations of immediate relief to the poor be indulged in. He did not believe, as some persons supposed, three or four years ago, when the question was first discussed, that by means of a Poor-law they could remedy the poverty of the country, or that they could make labourers who were now receiving very low wages receive high wages. If they were to attempt, by any project of that kind, to raise the condition of the labourer by endeavouring to make up the rate of wages to anything similar to the rate of what was received for labour in England, so far from advancing the prosperity or curing the poverty of Ireland, they would be sinking the whole property of the country into one abyss, from which it would never be recovered. Nevertheless, he considered that a Poor-law was one of the means by which the condition of the people of Ireland could be improved. At the same time he thought that the House would do well when in Committee to take care that every check was devised by which abuse should be prevented. In enacting a Poor-law, they would do so in the most prudent and cautious manner, and would be careful to hold in their hands the power of enlarging it, but not to enlarge it in the first instance upon the notion that they could at their pleasure afterwards limit and restrain its enactments. The hon. and learned Gentleman had complained that the Government had overlooked the report of the Poor-law Commissioners of Ireland, and that they had entirely neglected their recommendations. He thought that in this instance the hon. and learned Gentleman had very much exaggerated the deviations which the Government had made in the Bill from the recommendations of the Commissioners. It must have been supposed from the hon. and learned Gentleman's statement that all that was now proposed emanated either entirely from Mr. Nicholl or, as might almost be inferred from one part of his speech, from Mr. Stanley. Now, whether upon consideration the recommendations of the Poor-law Commissioners could be taken simply as they stood in their report, or whether they required alteration and amendment, he would not say; but as the hon. and learned Gentleman had said that their recommendations had been entirely neglected, he would take leave to read an extract from their report. The Commissioners say,

> "Upon the best consideration which we have been able to give to the whole subject, we think that a legal provision should be made and rates levied as hereinafter mentioned, for the relief and support of incurable as well as curable lunatics, of idiots, epileptic persons, cripples, deaf and dumb, and blind poor, and all who labour under permanent bodily infirmities; such relief and support to be afforded within the walls of public institutions; also for the relief of the sick poor in hospitals, infirmaries, and convalescent establishments, or by external attendance and a supply of food as well as medicine, where the persons to be relieved are not in a state to be removed from home; also for the purpose of emigration, for the support of penitentiaries to which vagrants may be sent, and for the maintenance of deserted children; also towards the relief of aged and infirm persons, of orphans, of helpless widows with young children, of the families of sick persons, and of casual destitution."

He really must ask the hon. and learned Gentleman, who was an enemy to all compulsory support, and who stood for the character and credit of the Commissioners, which of the two propositions he chose to adopt? If he were an enemy to compulsory relief, he could not be the friend and supporter of the Commissioners; and if he were a friend to the Commissioners then he could no longer be an enemy to all public and compulsory relief; because a system of public and compulsory relief, contemplating more classes of persons within its range, and more various modes and sources both of giving and obtaining relief—several of those sources not free from the liability of abuse—than this report of the Poor-law Commissioners recommended he never had the chance to meet with. What, then, was the object of the Government? Was it entirely to discard and throw aside that report? No. Their object was to ascertain whether the recommendations which the Commissioners had made, according to the opinions of persons conversant with the actual administration of relief to the poor, could be carried into effect, safely and beneficially, or whether it would be advisable to adopt other modifications or propositions in aid of these recommendations. The result of that inquiry had been that in the first place they ought not to give one of the kinds of relief proposed by the Commissioners, namely, the relief to the sick poor at their own houses, on the ground that sickness would then be an excuse for out-door relief being generally given; and, in the second place, if they gave relief in public institutions they could not help giving relief to the able-bodied poor more than the sick poor. These were changes made in the measure from the report of the Irish Poor-law Commissioners. He thought from the passage he had just read, it could hardly be said that the Commissioners were really of opinion that no compulsory relief should be afforded, or that the Government had entirely neglected the recommendations of those Commissioners. On a former occasion he stated that from some of the propositions of the Commissioners he differed. He thought, and the Government thought, that it was advisable—that it was an object of immense importance, and the importance of which could not be over-rated—that they should take everything into consideration, that they should obtain the opinions as well of persons in Ireland who were locally acquainted with the state of destitution in that country, as of persons in England who were equally well acquainted with the mode of administering relief; and that they should combine the results of every opinion that was practicable before any proposition was adopted. The Government had pursued this course, and they believed that they had afforded to the House the best possible information that could be acquired upon the subject. If, with this information before them, the House were now prepared to say, with the hon. and learned Gentleman, that no compulsory relief should be adopted—that it was an error in legislation to recognise such a principle—that it would be fatal to the prosperity and injurious to the property of Ireland—let them declare it. If, on the contrary, the House were in favour of the adoption of a Poor-law in Ireland, let them go with the Government in the further consideration of this Bill, taking every care with respect to all its details that it was sufficient for its purpose, at the same time that it was not carried too far. If the House would adopt that course, he believed, from the attention which had been given to it, without any reference to party considerations, by all sides, they might hope to succeed in framing a measure by which they would hereafter be enabled to say, that they had effected a great and permanent good, and essentially contributed towards the future improvement of that country.

Mr. *Shaw* agreed with the noble Lord that the time was come when some mode of public relief must be afforded to the poor of Ireland. When, on a former evening, he ventured to say, that he anticipated on all sides of the House a general concurrence in the proposition that there must be a Poor-law in Ireland, so far as he referred to the hon. and learned Gentleman, the Member for Dublin, he certainly rather bore in mind the observations which the hon. and learned Gentleman made on the subject last year than the notice upon which he had moved the amendment to-night. For, if he recollected aright, the hon. and learned Gentleman said last year that he thought the time had come when it was imperative that some legal provisions should be made for the poor of Ireland; he said that he was not sanguine of the success of any such measure, still that he not only would not vote against the measure, but, if necessary, would give it his support. The reasons which the hon. and learned Gentleman on that occasion gave for adopting such a course were, in his opinion, no less cogent at the present moment. On the contrary, he thought that circumstances had rather strengthened them, and that the general social and political condition of Ireland did not now less imperatively demand a remedy. He was not one of those who entertained any very sanguine hopes of the present measure. He did not believe that any one measure, whether a Poor-law or otherwise, could be a panacea for all the evils under which Ireland was suffering. He was quite aware that the great want of Ireland was some means of employing and relieving a redundant population, and he did not think that this measure could have that effect. He felt, too, that there was justice in many of the observations of the hon. and learned Gentleman in reference to his objections to all compulsory provision for the destitute. He agreed that every impost upon property for the support of the indigent was more or less a tax upon the source of independent labour. But, notwithstanding all these theoretical and political difficulties, he felt it was the duty of the House, as rational men, to consider whether they could not take some step towards the improvement of the poor and destitute in Ireland. A state of abject destitution caused disturbance of the public peace, and created turbulence, outrage, and agitation; rendering both person and property insecure, and thereby preventing capital, skill, and enterprise being employed in their true and legitimate course. These were the causes of the misery of Ireland, and of the existing condition of her people. While on the one hand, however, he thought they ought not to form too sanguine an estimate of the benefit which this measure would confer on Ireland, on the other they ought not to be deterred from taking every practical step towards improving the condition of that country. He agreed with the noble Lord that whatever they did they must take care not to do too much, and to do what they did in a safe direction. Their great object ought to be not to raise expectations which they would afterwards be obliged to disappoint. In contrasting the different circumstances attending the administration of a Poor-law in England and in Ireland, there was one consideration which ought not to be lost sight of, namely, that in any alteration proposed to be made in the Poor-law in England care should be taken not to deprive the poor too suddenly of that relief which they had been accustomed to receive, however improperly so accustomed; whereas in respect to Ireland, inasmuch as the people of that country had not been accustomed to receive relief, it behoved them to be cautious that in whatever they gave they should give it salutarily and safely. Although he agreed with the noble Lord in the principle which he had adopted, namely, the making the workhouse a test of destitution, yet he thought that the noble Lord had gone rather too far in carrying out that principle. If the principle of making the workhouse a test of destitution was considered necessary in England, it was in a ten-fold degree necessary in Ireland. He was persuaded that out-door relief in Ireland would increase the objects of relief to an extent that would finally absorb all the resources of independent industry, and operate as a confiscation of all the property of the country. But he feared that in proposing to give relief to all the destitute, through the medium of the workhouse, the noble Lord proposed to effect that which it was impossible for him to accomplish. In alluding to the various and very conflicting statements of the Poor-law Commissioners on the one hand, and of Mr. Nicholls and Mr. Stanley on the other—to all of whom the House and the country were greatly indebted for the industry and talent they had applied to this subject—he owned he was quite incompetent to come to any direct conclusion with respect to them. The Commissioners said, that there were above 2,000,000 of destitute poor, while Mr. Nicholls and Mr. Stanley had said that there were not more than 80,000. He (Mr. Shaw) was disposed to think that the truth lay between them; but without being able to ascertain the precise number, this, he thought, must be admitted, that the elements of destitution abounded—that on the one side there was a great want of demand for labour, while on the other there was an over-supply of labourers. If that were so, he was very apprehensive that the workhouse test of destitution would not be found sufficient. He feared that the workhouse system would either be altogether useless as a means of relief to cases of able-bodied persons in a state of destitution, the system of restraint in the workhouses rendering those places so unpalatable to the able-bodied poor as altogether to deprive them of the benefit of this law; or that those workhouses would be wholly inadequate to the wants of the destitute, if the various precautions to prevent the people from improperly applying to them should not produce that effect. He owned that he was apprehensive that the latter branch of the alternative would be the result. He feared that the workhouses would be found to be totally inadequate. It was very true that the Irish character was attached to liberty and impatient of restraint, but then distress, and nakedness, and destitution would break down the proudest spirit; and there was also this characteristic about the Irish people, that if once that difficulty of which he had spoken were overcome, they were peculiarly enduring and patient, and far more regardless of suffering than other people. The result of destitution on many of the poor of Ireland was to drive them to the commission of crime, for the sole purpose of finding a shelter and a provision from misery and starvation within the walls of a prison, although, of course, that shelter and provision would be accompanied with all the restraint of imprisonment for crime. He was, therefore, fearful that the restraints would not be sufficient to deter the able-bodied from going into the workhouse. In England the great difficulty was to make the able-bodied work when work could be had, whereas in Ireland the great difficulty was to find work for those who were willing to do it. His desire was to provide for the sick, the impotent, the aged, and the infirm, though he would not draw a very close line in that respect. His great objection was, that by offering relief in the workhouse to all classes they would raise expectations which could not afterwards be realised. Under all the circumstances it occurred to him that the plan of giving relief to the aged, impotent, and infirm, within the workhouse or asylum (aided, no doubt as it was intended, by a well-considered system of emigration of the able-bodied and by an increase of employment on public works, not undertaken merely to give temporary relief to the labour market, but for the lasting improvement of the country), would be found to be, if not sufficient, the least objectionable plan that could be introduced into Ireland. As to the argument that a compulsory provision would dry up the sources of charity that now poured forth its streams to the relief of the indigent poor in Ireland, he entertained no apprehension that any consequence of that description could result from the present measure. It never could be supposed that a measure of this kind could supersede private charity. He trusted, as well for the sake of the giver as of the receiver, that they would always find the spirit of charity continuing amongst them, sweetening, as it ever did, all the intercourses of social life, binding together the different classes of society and promoting the best interests of all. The noble Lord was too sanguine if he expected to put down vagrancy in Ireland by positive enactment. There were vagrancy Acts already existing in Ireland, and every one knew that these had been found totally inefficacious. Vagrancy, in its legal sense, was a very different thing from mendicancy. But it would be found to be a very difficult matter to carry any law into practical effect making either the one or the other illegal in Ireland. This Bill would, however, go far to remove the existing temptations which induced the poor to ask for relief on the one hand, and the charitably disposed to extend it indiscriminately on the other. He thought the subject of having a local board of commissioners in Ireland, acquiring its information on the spot, and being enabled to adapt the operation of the Act to the variation of circumstances, was one which would deserve mature consideration. Reserving to himself the right of discussing the details of the Bill in Committee, he would conclude by expressing his determination to give his support to the principle, the bare principle, of extending a Poor-law to Ireland.

Mr. *W. S. O'Brien* observed, that the objections of the hon. and learned Member for Dublin resolved themselves into two parts—objections to the principle and objections to the details of the Bill—the first of which appeared to be founded in error, and the latter were capable of remedy in Committee. His own experience of the opinions of the shopkeepers and smaller occupiers in Ireland led him to form a directly contrary conclusion to that come to by the hon. and learned Gentleman; for he thought that they did care for the Bill. He lived in the adjoining county to that of the hon. and learned Member, and he had heard frequent complaints of the swarms of what were called "Kerry almanacs." The hon. Member also objected to the Bill that it would tend to repress the kindly feelings of the people. Such to a certain extent he would admit to be probable; but was it just that a poor family, themselves bordering on starvation, should, as they frequently now did, diminish their little allowance by supporting an orphan child; or that a poor cotter, having little enough for his own children, should, as he had known to be the case, receive into his house a child infected with the small-pox, thereby rendering his own children sufferers? Was this a proper state in which to leave the poor of that country? Great stress had also been laid by the hon. and learned Gentleman on the vast amount of pauperism stated by the Commissioners to exist in Ireland, and the learned Gentleman had made use of this as argument against the Bill. So far, however, from this being a legitimate argument, he thought that the greater the amount of poverty the greater the necessity of this measure, and the greater the reason for its adoption. The number of poor requiring relief was stated to be 2,300,000; he believed that this amount was exaggerated; but at any rate the amount was large enough to demand a remedy. Then, again, the hon. and learned Gentleman had alluded to the smallness of the financial resources in Ireland, but he recollected that a very different estimate was taken when the question of the repeal of the union was under agitation. These were a few of the observations which he had thought it necessary to make on the objections of the learned Member for Dublin; and as the noble Lord had submitted to the House the views of the Government, he thought it but right that the Members for the Irish constituencies should also state their opinions. He conceived that the great defect of the bill was, that it rested entirely on the workhouse system, and he thought that the noble Lord, instead of introducing only this measure, should have produced three or four others to render the change complete. The workhouse system might be necessary and proper for England, but even in England, he thought, that a feeling was fast arising against any extension of this system. But, with all the boast which was made, it appeared that in England not one-fifth were relieved in the workhouse. For this statement, he had no later authority than the report of the Poor-law Commissioners for 1836, but by that report, he found that such was the proportion in seventeen counties, in unions which had been in operation for one year and more. Supposing a poor man who had given up his whole life to irksome labour were seized with illness, and that thus all his resources became exhausted, was he to blame for his destitution? And would they refuse him temporary relief? It was very easy for stern political economists to say, that in the days of his health he ought to lay by something for sickness; but how could a poor Irishman save anything out of his paltry wages of 8*d.* a day? He thought, that there was only one class for which the workhouse system was fitted—the class composed of the idle, the vagrant, and the impostor; for them, it was the appropriate resource: but if it were attempted to extend it to other classes, the least consideration must lead every reflecting man to the conclusion, that the provision capable of being thus furnished would be totally inadequate. It would be inadequate when in full operation, but what would they do whilst the workhouses were building? By Mr. Nicholls's report, it seemed that the total number of absolutely destitute poor amounted to 80,000, and if they added to these the class of sick and aged persons who would become permanent objects of relief they must double that number, and this would be exclusive of the able-bodied and casual poor. To provide workhouses, even for this number, not less than 2,500,000*l.* would be necessary. But they could not confine the relief to the aged, the helpless, and the infirm: they ought, and must extend it to the able-bodied, destitute, or sick poor. No reasonable amount of money would thus be sufficient to build the workhouses which would be required; and he could assure the noble Lord, that the poor in Ireland had as great, or a greater, horror of the workhouse as existed in England. Suppose, however, that the workhouse were full, he thought that they ought to enable the guardians to send the applicants to some source of employment, and under any circumstances, he thought the guardians ought to have the power to order at pleasure either in-door or out-door relief. He had often heard of assistance being afforded by public works, but he felt little inclination to trust to that source for permanent help. No person valued more highly than he did a system of emigration, and he hoped that the noble Lord would not withdraw the clauses to effect this desirable object, in deference to the wish of the hon. Member for Wicklow, or of any other hon. Gentleman. From emigration, the whole country derived a benefit, and he thought that in proportion to the value derived by the country a corresponding part of the expenses ought to be paid out of the general funds. They were going to spend in building workhouses double the sum which would be necessary to send the poor as emigrants to the furthest part of Upper Canada. If 100,000 or 150,000 labourers were to be induced to emigrate, the wages of the remainder would, in a short time run up, and would furnish a resource for employment to the willing labourer particularly applicable to the present state of Ireland. With respect also to the question of establishing the Boards of Commissioners in Dublin or in London he would not then decide, but he could not comprehend how one Irish commissioner could discharge all the onerous duties which would devolve upon him. The parties must be seen, and the communications must be received in Dublin; and how one individual could possibly undertake the duty was to him a mystery, and he hoped that, in this respect, the noble Lord would review his scheme. Another part of the bill, in which powers were given to the Commissioners, he trusted also would receive the reconsideration of the noble Lord. For himself, he thought that the powers given to the Commissioners of appointing paid officers to assist the guardians, and to order valuation of parishes, how applicable soever they might be to the English system, ought to be resisted, and ought not to be introduced into the bill for Ireland. The noble Lord proposed also to divide Ireland into 100 unions, giving an average population of 80,000 to each. He (Mr. O'Brien) thought that these were too large, and that there would be difficulty in procuring the attendance of guardians at such a distance from their houses. He was of opinion, however, that the noble Lord had done well to avoid the introduction of a law of settlement, for without a legal title to relief, which was not granted to the poor by the bill, any settlement law would remain a dead letter. He thought, that the small class of occupiers so far from being injured would be benefitted by the bill which he had recommended, for one shilling in the pound was all that would be necessary to carry that bill into effect; and if one-third were charged to the occupier and two-thirds to the landlord, the tenant would be benefitted, and there would be the saving of great difficulty in the imposition of the rates. He had some other objections with respect to the Bill which he would state on some subsequent occasion, and he would then simply add that it was his intention to submit to the House a plan for amending the scale of voting under the bill, which he considered unjust on large occupiers. He should recommend a scale more just to the occupiers, and more in accordance with what existed under the English bill. He had to apologise to the House for the details into which he had entered; but as millions of property as.

well as millions of men would be affected by that bill, he thought it but right that they should thoroughly discuss it. It was a measure which demanded the grave consideration, as well of the landlords as of the people of Ireland; and when so much time was daily wasted in party debates, and in discussing mere measures of the day, he could not consider it a waste of time to consider its details. Having been one of the first advocates for an Irish poor-law, he was peculiarly anxious that, when the bill came into operation, it should not call forth clamour and unpleasant feelings on the part of the Irish; and he gave his cordial support to a bill professing to be a bill for the relief of the poor in Ireland.

Mr. *Lucas* would not support the amendment of the hon. and learned Member for Dublin, because he could not coincide in his opinion, that, as there was a great deal of poverty, perhaps destitution, in Ireland, therefore they should make no legislative attempt to afford relief to the one or the other. He thought they should enter upon the subject, as they had done last year, free from all party feeling, determined patiently to consider the Bill before them, to allow it to go into Committee, and there endeavour to render it, as far as possible, what it professed to be. He concurred in the principle, but not in all the details, of the Bill. It was certainly highly desirable, that the poorer classes in Ireland should be relieved from the burthen of almsgiving to which they were at present subjected, and he would, if on that account alone, give his support to a Poor-law Bill. That burthen was deeply felt in Ireland. He agreed with the hon. and learned Member, in the fullest extent, as to the humane and meritorious feelings which induced the people of Ireland to bear that burthen. There was no people under heaven who made such sacrifices to relieve their distressed relations, or performed so much casual charity, as the people of that country; but he did not agree with the hon. and learned Gentleman, that that was not felt by them to be what it was—a heavy burthen, or that they would not be very glad to get rid of it, if a substitute were provided. He would mention a very creditable circumstance to bear out that opinion. An excellent landlord, watchful of the comforts of his tenantry, and who was in the habit of having their cabins annually whitewashed, was thus addressed by one of them, after the interior of his habitation had undergone that operation:—"For God's sake, Sir, don't let my house be whitewashed outside. It is a quarter of a mile from the road, and cannot now be seen by the beggars as they pass along; but if it be whitewashed, I shall be ruined, and shall never be able to pay my rent." The hon. and learned Gentleman had advanced topics unworthy of his talents, and made use of arguments which appeared to him (Mr. Lucas) quite fallacious. The hon. Gentleman stated, that the tenant was in all cases to pay, at least, one half, and, in many cases, very nearly the entire, of the rates. By the provisions of the Bill the tenant was no doubt to pay one-half—a principle which he considered only just; but it was as clear as the sun at noonday, as had been observed by the noble Lord, that whatever imposition of rate they might make by law on landlord and tenant—whatever disturbance they might make in their existing relation, it was perfectly clear, that, according as the leases should expire, that burthen would fall upon the landlord. Place the burthen as they would now, it would eventually come out of the pocket of the landlord. It was impossible for anything to fall from the hon. and learned Gentleman that would not have an important effect upon his countrymen. He had not, however, addressed the House that evening in the same tone as he had lately adopted out of it. He had written two letters upon this subject which differed in tone and temper from his advocacy that evening of the same cause. The hon. and learned Gentleman, for instance, had eluded some of the topics contained in those letters. In one of them he said, that, "in giving a Poor-law to Ireland, they would diminish wages, because they would necessarily lessen the means of the occupiers." Now, if the occupiers were to be burthened with a voluntary tax, and if no compulsory tax, as imposed by this Bill, existed, it was quite clear, that the Bill was not exposed to that objection, merely substituting, as it did, a compulsory for a voluntary tax. Whenever the distressed condition of the people of Ireland became a subject of discussion or conversation, men's minds naturally turned to the occasional assistance given to the poor by the wealthy and liberally disposed, either in that part of the United Kingdom or in this. Although the subscriptions from England and from a few persons in Ireland of good fortune were exceeding liberal, yet he could, from his own knowledge of the facts, affirm that they were but as a drop of water in the ocean compared to what was contributed by the farmers, high and low. In 1817, a period of extreme suffering, the farmers saved the great mass of the poor from actual starvation—not certainly by giving them money, for that they had not to bestow, but by giving them provisions; this produced no *eclat,* it made no impression, except upon the recipients of the bounty, and on those few who, being resident in the country, had an opportunity of witnessing its effects. The hon. and learned Gentleman opposite treated the proposition of compulsory relief as worse than the union, alleging that the tenant must pay the impost. This statement was contained in one of the letters of the hon. and learned Gentleman. In his opinion there could not be in the mind of any man a shadow of doubt that, eventually, the charge must fall upon the landlords; but, in the present relation of landlord and tenant, it was evident that the measure might be said to take them unawares; justice, therefore, required that, under the existing bargains between those two classes of the community, the burthen should be apportioned equally on both. The hon. and learned Gentleman opposite, in another of his letters, said, in reference to the proposition for enacting a Poor-law, that his determination was to double the agitation, and to entreat the clergy to explain the effects of the intended measure; he also expressed his decided conviction that the tenant would have to bear the burthen. Surely it did not require a moment's reflection to see that this was a most erroneous view of the subject. Every charge of the sort must, in the end, be borne by the landlord. He admitted the imperfections of the measure, but, under existing circumstances, he thought it was in principle the best that could be proposed; he should, therefore, vote for going into Committee, though he should object to one or two of the details, and he feared that if the measure was attempted to be worked with its present machinery, it would prove a failure. With reference to the objections which he intended to make in Committee, he should just observe, that in England the whole of the Poor-rate was to be paid in the first instance by the occupying tenant; the necessary result was, that that class of the community watched over not only mendicancy itself, but over the administration of the funds intended for its relief. A payment in the first instance by the occupier could not be proposed with regard to Ireland; if it were, the Bill could never be executed; but he thought in the measure then before the House there ought to be some substitute provided for the vigilance which the English practice superinduced. He thought it was incumbent on the Government to show that they had provided such a substitute. He thought it was also incumbent on them to show that they had provided a substitute for the operation which the law of settlement had in England. Another objection which he entertained against the present measure, was the great size of the unions proposed to be created under it; which was such, that the means of superintendence would be totally lost to the rate-payers; they would be so numerous that there could be no discussions and no voting. From official documents, accessible to any hon. Member, and to the public generally, it appeared that in the province of Munster the farms were from five to fifty acres; twenty-five acres he would take to be the average, of 17*l.* 14*s.* value. In Ulster, the farms were eight to twelve acres, being an average of ten acres, at a value of 7*l.* 1*s.* 8*d.* In Leinster, the farms varied in extent from one to five acres, at a value of 2*l.* 16*s.* 8*d.* In Connaught, subdivision attained its utmost extent, and almost defied calculation. There were in Ireland about 20,400,000 acres; th highest average of the farms was in Munster, being twenty-five acres. It was calculated that the whole number of farms in Ireland was 816,000. Now, if hon. Members would only look at the number of unions, they must see that the rate-payers would constitute assemblies too unwieldy for either voting or discussion. Mr. Nicholls was decidedly opposed to what he (Mr. Lucas) called the vice of the bill; he observed that the cordial co-operation of all parties was, as regarded the working of a poor-law, necessary to the well-being of all. Bearing that opinion in their minds, he begged hon. Members to look at this fact, that in Leinster the more numerous class of farms would be exempt from rates. The majority would then have no interest in watching the administration of the law, but rather have an interest opposed to its effective and just application; and that was in a greater or less degree true of the other provinces. The system of rating proposed by the bill was by much too complicated, and would lead necessarily to the greatest inconvenience. It would act, no doubt, so far as a penalty upon high rents; but the temptation to harsh landlords would very slightly, if at all, be diminished by the bonus it offered to low rents. Much as he objected to many of the details of the bill, and firmly as he believed, if passed in its present shape, it would prove altogether inoperative, he still cordially approved of its principle, and wished the measure every possible success.

Mr. *Redington* believed, that the Irish people were the most charitable on the face of the earth; but notwithstanding the amount of charity which they dispersed, there existed still a vast amount of destitution in the country, and when voluntary charity was not sufficient to meet the exigency of the case, it was incumbent upon Parliament to interfere. He did not regard a Poor-law as the panacea for all the ills of Ireland. No one legislative enactment could remove the accumulated evils of a long course of misgovernment; but the adoption of a well-regulated system of Poor-laws would do much to beget a better order of things in Ireland, under which the country would improve; it would destroy undue competition for land, and while it would relieve the occupier, would tend to connect the proprietor of the soil, wherever and whoever he might be, with the tenants on his estate. He could not support the amendment of the hon. and learned Member for Dublin, and he hoped when the bill had reached the Committee that the hon. and learned Gentleman would do all in his power to make the measure as unobjectionable as possible. The bill, if passed in its present shape, would be altogether inefficient. With respect to a law of settlement and the workhouse system, he was as much opposed to the former as he was favourable to the adoption of the latter. No doubt the workhouse was a severe test, but if it were not adopted, there would be no check to the greatest abuse; and, beginning with the workhouse system, they might afterwards extend the measure as much as the necessity of the case might be found to require. But if they did not commence with the workhouse, it would be impossible ever afterwards to resort to it. He objected particularly to the powers of the Commissioners; indeed, although he acquitted the Government of any such intention, it appeared to him as if the object of the bill were to appoint Commissioners to frame a Poor-law. As an Irish landlord he felt no reluctance to undertake a large portion of the rate, and he believed that feeling was general in Ireland. He thanked Government for having taken up this question; he hoped they would energetically apply themselves to the settlement of those other not less important measures by which the public mind in Ireland was so much agitated and disturbed. This would give security; when security was obtained, capital would be more largely invested, and with increased means, the people would be better able to bear larger contributions.

Colonel *Conolly* was afraid the present plan was one of too great magnitude. It would have been much better, in his opinion, if they had confined themselves in the first instance, to an immediate provision for the infirm, the aged, and impotent. Relief might afterwards have been gradually and beneficially extended to the other classes of the poor. He hoped the rating would be as local as possible, confined to the barony, if not to the parish. Economy would then be strictly enforced. The hon. and learned Member for the city of Dublin had said, there were many most impoverished districts in the county he had the honour to represent; it was so undoubtedly, and in his own opinion it was incumbent upon the landlords to pay for their improvement—for he considered this Poor-law practically in the nature of a penalty on the neglect of Irish property. He was inclined to think the proportion of rating suggested as fair and equitable between the parties, and he believed the landlords of Ireland would gladly submit to bear a heavy charge for the purpose of adequately relieving the prevalent distress.

Mr. *O. Gore* supported the amendment, and objected to the Bill for two reasons, The first was the system of workhouses, and the other that of emigration, which its provisions embraced. He considered that the workhouse principle would be prejudicial to the habits and utterly subversive of the best feelings of the Irish people, and would be productive of evil, inasmuch as it would force a great mass of the Irish pauper population to quit Ireland for this country, where they could live at little expense, and where they would much rather live than be driven into a workhouse. With respect to the rates, in his opinion no rate could be levied in Ireland that would not eventually fall upon the owners of property, and he had not heard a single word upon this point, among all that had fallen from the hon. Member for Monaghan, which did not support and favour the amendment of the hon. and learned Member for Dublin. He had always had a strong feeling against emigration, because he considered that by it a country always got rid of what might be justly termed its best seed. In Ireland, there were eleven millions of acres out of cultivation, and immense numbers of the population of that country were most ready and willing to work, if they were afforded the opportunity. Ireland was at the present moment in the same position with regard to the introduction of a poor-law as England was in the time of Queen Elizabeth; and why not give her the benefit of some such measure as was then given to this country? Another objection he had to the Bill was the principle of centralisation. It would be necessary to have a central board either in London or Dublin, with several branches, all entailing a great deal of unnecessary expense; and, taking all these things into consideration, he felt that he must support the amendment of the hon. and learned Gentleman, in the hope of getting rid of the Bill altogether.

Mr. *Litton* considered, that the Bill was at least worthy of the attention of the House, if it should only be found calculated to settle two or three important points. At all events, the destitution of the aged and infirm ought to be provided for, and the least that could be said of this Bill was, that it would have the effect of providing a remedy against such distressing cases; and that alone shewed that the subject was one of great national importance. It was impossible to frame a Bill that was not liable to objections of some sort, and he considered this measure ought to be allowed to go into Committee, if only on the principle that they were bound to try some remedy for destitution. It was a work of charity in which they were engaged, and he had little doubt that he should see the measure ere long supported by all the hon. Members from that country for whose benefit it was introduced.

Mr. *Barron* approved entirely of the principle of the Bill, and agreed with most of its details. He considered it so good a measure as it at present stood, that he did not see how it could be materially amended in Committee. With respect to a law of settlement, it would be an absurdity to introduce a measure giving a settlement without, at the same time, giving the poor a right to relief. It was neither fair to the supporters of the Bill nor to the landlords of Ireland to call it a landlords' Bill, when any tax that would be created by it must of necessity come out of the landlords' pockets. The motion of the hon. and learned Member for Dublin should have his most determined and strenuous opposition. With regard to the observations of the hon. Member for Shropshire, relative to the workhouse system, he could inform the hon. Gentleman that that system had been already tried in Waterford, and there had been no complaint whatever as to the confinement; on the contrary, there was a constant increase of applicants for relief under that system—and the only complaint which he had heard of was that of want of funds to work out the principle more fully. This was an answer to the hon. Member for Shropshire, and one example must be allowed to be better than a thousand theories. The hon. Gentleman concluded by expressing his full approbation of the measure, and his conviction that it would have the most beneficial effects in mitigating the poverty in Ireland.

Mr. *John Young* said, that amidst all the objections which had been made to the proposed measure, no one offered any plan in its room. He was very glad that a plan of emigration formed part of the Bill. He was disposed to think this among the best of the means of affording relief to the pauper population of Ireland, and he preferred it infinitely above the project of home colonization, to which allusion had been made, and with regard to which he thought that there were reports and papers enough on the table to show satisfactorily that pauper labour never could remunerate the state which employed it. With respect to the system of poor relief embodied in this Bill, let it be remembered that amidst all that had been said and written on this subject in this country for many years past, this was the only one that came recommended by the opinions of practical men. He thought the establishment of workhouses would prove most beneficial to the people of Ireland, especially if managed on the wise and benevolent system which had been adopted in most workhouses in England, and which he found detailed in the last report of the Poor-law Commissioners, and detailed (he was informed by a gentleman who had paid great attention to the state of the workhouses in different parts of the country) with much fidelity; and there it was stated that the necessary effect of the rules and regulations which had been established by the Poor-law Commissioners was to provide the poor man with wholesome food, and warm clothing, with a better bed, better and more regular medical attendance, and that on the whole he was placed in a better and more comfortable condition than before. He thought there was very little in this to make such a place look like a prison, and the statement gave the lie to that which they had heard so much of, that the poor were ill-treated in the workhouses. Such a system as this, if established in Ireland, would render the workhouse what it ought to be —an asylum for the poor cotters when misfortune overtook them; and he could not help thinking that the poor man would convey some portion of the order and regularity which he would find established in the workhouse back with him to his own home. He hoped that, partly by the operation of this law, and partly by other means now actively in force in Ireland, the country would be relieved from the strictures which Mr. Moore had passed on the state of rural architecture and accommodation in his work on the history of Ireland, where, after speaking of the miserable style in which the chiefs lived at an early period, he added that the condition of the poor must have been still more wretched, and he intimated that that portion of the people continued now in much the same deplorable condition as at that period. He should vote against the amendment of the hon. and learned Member for Dublin.

Mr. *J. Gibson* should support the amendment. A Poor-law, however valuable in itself, was not applicable to Ireland, owing to the peculiar circumstances of that country. To establish workhouses without law of settlement was, in his opinion; altogether chimerical; but, above all, by the operation of this law, the burden of a pauper population, arising in a vast number of instances almost entirely from neglect of duty on the part of the absentee landlord, would be thrown on the resident landlord—the very man who was accustomed to spend large sums and devote much time and labour to the improvement of the pauper population.

Sir *F. Trench* hoped, notwithstanding the panegyric which had been pronounced by the hon. Member for Waterford upon workhouses, that he should never see 100,000 of his unfortunate countrymen shut up in a workhouse. He agreed with the hon. Member for Shropshire (Mr. O. Gore) that the present Bill was deserving the reprobation of every man who took an interest in the welfare of Ireland. However, as the result of the discussions upon the Canadian question clearly showed that her Majesty's Ministers were made up of "squeezable materials," he did not despair of their being found equally so on the present occasion. He trusted, therefore, that before the Bill passed through a Committee, it might be in such a state as to allow him to give it his support.

The House divided on the original motion. —Ayes 277; Noes 25:—Majority 252.

List of the AYES.

Acland, T. D.
Adam, Sir C.
Adare, Viscount
Aglionby, H. A.
Aglionby, Major
Alexander, Viscount
Alford, Viscount
Alsager, Captain
Alston, R.
Archbold, R.
Attwood, W.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, Colonel
Baines, E.
Baker, E.
Ball, N.
Baring, H. B.
Barnard, F. T.
Barneby, J.
Barrington, Viscount
Barron, H. W.
Barry, G. S.
Bateman, J.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Bentinck, Lord G.
Berkeley, hon. H.
Bernal, R.
Bethell, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Blewitt, R. J.
Blunt, Sir C.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Brownrigg, S.
Buller, Sir J. Y.
Burroughes, H. N.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir H.
Cantilupe, Viscount
Cave, R. O.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M.L.C.
Chisholm, A. W.
Clive, hon. R. H.
Cole, Viscount
Collier, J.
Colquhoun, Sir J.
Compton, H. C.
Conolly, E.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Craig, W. G.
Crompton, S.
Curry, W.
Dalmeney, Lord
Darby, G.
Denison, W. J.
Dennistoun, J.
Douglas, Sir C. E.
Duckworth, S.
Duke, Sir J.
Duncan, Viscount
Dundas, C. W. D.
Dundas, F.
Dundas, hon. T.
Dundas, hon. J. C.
Dundas, Captain
Easthope, J.
Eastnor, Viscount
Eaton, R. J,
Ebrington, Viscount
Egerton, Sir P.
Eliott, hon. J. E.
Ellis, J.

Evans, Colonel
Evans, W.
Farnham, E. B.
Ferguson, Sir R. A.
Fergusson, rt. hn. R. C.
Forbes, W.
Fort, J.
Glynne, Sir S. R.
Goddard, A.
Gordon, R.
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, Sir G.
Grimsditch, T.
Halford, H.
Hall, B.
Halse, J.
Harcourt, G. S.
Harland, W. C.
Hastie, A.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Herbert, hon. S.
Hillsborough, Earl of
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Holmes, hn. W. A. C.
Holmes, W.
Hope, G. W.
Horsman, E.
Hoskins, K.
Houldsworth, T.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Humphery, J.
Hutton, R.
Irton, S.
Jackson, Sergeant
Jephson, C. D. O.
Jervis, J.
Jervis, S.
Johnstone, H.
Johnston, General
Jolliffe, Sir W.
Jones, W.
Jones, T.
Knatchbull, hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Litton, E.
Loch, J.
Logan, H.
Long, W.
Lucas, E.
Lushington, C.
Lygon, hon. General
Mackinnon, W. A.
Macleod, R.
Maher, J.
Maidstone, Viscount
Marshall, W.
Marsland, H.
Marsland, T.
Martin, J.
Master, T. W. E.
Maule, W. H.
Maunsell, T. P.
Melgund, Viscount
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, M. J.
O'Conor, Don.
O'Ferrall, R. M.
Ossulston, Lord
Paget, F.
Pakington, J. S.
Parker, M.
Parrott, J.
Patten, J. W.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Perceval, Colonel
Philips, Sir R.
Philips, M.
Philips, G. R.
Phillpotts, J.
Planta, right hon J.
Plumptre, J. P.
Poulter, J. S.
Powell, Colonel
Power, J.
Price, R.
Protheroe, E.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Roche, E. B.
Roche, W.
Rolleston, L.
Rose, right hon. Sir G.
Round, C. G.
Rushbrooke, Colonel
Rushout, G.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Scarlett, hon. J. Y.
Scholefield, J.
Scrope, G. P.
Seale, Colonel
Seymour, Lord
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Somerville, Sir W. M.
Spiers, A.
Stewart, J.
Stuart, H.
Stuart, Lord J.
Stuart, .
Strangways, hon. J.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, J. H.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Tuffnell, H.
Turner, E.
Vere, Sir C. B.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, C. A.
Walker, R.
Wallace, R.
Ward, H. G.
Whalley, Sir S.
White, A.
White, S.
White, L.
Whitmore, T. C.
Wilberforce, W.
Williams, W.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
Young, J.

TELLERS.
Parker, J.
Steuart, R.

List of the NOES.

Attwood, T.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Chester, H.
Duncombe, hon. W.
Evans, G.
Fitzsimon, N.
Gore, O. J. R.
Gore, O. W.
Granby, Marquess of
Hayes, Sir R.
Ingestrie, Viscount
Kemble, H.
Lockhart, A. M.
Macnamara, Major
Maxwell, H.
O'Connell, J.
O'Connell, M.
O'Neil, hon. J. B. R.
Parker, R. T.
Pryme, G.
Scarlett, hon. R.
Verner, Colonel
Westenra, hon. H. R.

TELLERS.
O'Connell, D.
Gibson. J.

The House went into Committee *pro forma*, and resumed.

PARLIAMENTARY ELECTORS.] On the question that the Report on the Parliamentary Electors Bill be received,

Mr. *Jervis*, in rising to move an amendment of which he had given notice, said, that he had some reason to complain of the course pursued by the noble Lord, but he was willing to allow that subject to pass. He should now move that the Bill before the House should be re-committed, with an instruction that, after the passing of the Bill, no sum of money should be taken by any overseer or other person in respect to the registration of any voter. The object he had in view was to get rid of the shilling at present paid at the time of registration, and which was objected to by all parties. It was paid by the 50*l* freeholder, the 10*l.* house-holder, the freemen, and the scot and lot voters. The object of originally creating this tax was, to raise a fund for the purpose of defraying the expenses incurred under the new system. For this purpose the tax had been found totally inadequate. Whatever just ground there might have been for imposing this tax on any other class of voters, it was totally unjust as respected the freemen, who, before the passing of the Reform Bill, had been in the possession of vested rights. Whatever justice there might have been in subjecting to this imposition the 50*l.* and 10*l.* voters, there was no reason why this tax should be imposed on those whom Parliament, at the time of the passing of the Reform Bill, had found in the possession of those rights. The imposition of this tax was felt as a great injustice by all classes of voters, and two or three Committees had reported in favour of its abolition. It was a great instrument of tyranny and injustice in the hands of the overseers, who, in many instances, converted it into a prolific source of abuse. He believed, that both sides of the House were unanimous in favour of its abolition, and he thought the present Bill afforded a convenient opportunity to effect that object. The noble Lord had stated, that he entertained no objection to the abolition of this tax, but that he would introduce a clause for that purpose into another Bill. However, when there was so strong a feeling in favour of the abolition of this impost, he thought no further time should be lost, and he trusted that the House would acquiesce in his amendment.

Lord *John Russell* was exceedingly sorry that any thing should have fallen from him when the hon. and learned Member asked him to put off his Bill, which should have caused the hon. and learned Gentleman any irritation of mind. He could assure the hon. and learned Gentleman that he (Lord J. Russell) had acted from what he conceived to be his duty. He had told the hon. and learned Gentleman, when he spoke to him in private, that he considered that his motion did not immediately relate to the present Bill. If he thought that the motion related to the Bill, he should have undoubtedly, out of courtesy, put off the day for proceeding with the Bill; but, looking at the motion as having nothing to do with the Bill, he did not consider that he would be acting justly by the Bill if he postponed the day of bringing it forward. As to the question itself, the hon. and learned Gentleman knew perfectly well that he had no objection whatever to the repeal of the payment of the registration shilling. But what was this shilling? It was called the registration shilling, and was imposed for the purposes of registration in the part of the Reform Act which related to the registration. Would it not, then, be a fair and simple proposition, when the subject of the registration was before the House, to propose to get rid of the payment of the shilling? That, he thought, would be the proper time for bringing the subject under the consideration of the House. He would say, moreover, that whatever difference of opinion might have existed on former occasions with regard to the registration, his opinion was, that though, upon certain points, they did not agree, yet there were other points on which the last House of Commons was entirely agreed upon providing a remedy. It was desirable, if they could not pass a Bill with all the amendments which his side of the House could wish, yet that a Registration Bill should be passed in the course of the Session which should contain what all sides of the House admitted to be reasonable. As to his own disposition with regard to the Registration Bill, it could hardly be doubted but that, among other alterations, he would be willing to repeal the payment of the shilling. Indeed, he believed that no one had a wish to keep it up. The hon. and learned Gentleman's only case was, that this present Bill was sure to pass through the other House of Parliament, and, therefore, he said, such an excellent provision ought to be introduced into it. Now he heard the other night, if he was not mistaken, that this Bill would be sure to be lost in the other House. He certainly was delighted that a better prospect could be entertained of the Bill, and he was very glad to say, that, in that prospect, he was disposed to coincide. He would not say, that he was convinced there was no necessity for introducing a clause of this kind, but he certainly did think, that there was no necessity for introducing a motion in order to re-commit this Bill for the purpose of introducing something which was not in accordance with the title of the Bill, so that if the motion were agreed to, it would be necessary to make a fresh title, that the Bill might not thus be placed in jeopardy. He called upon those who were friendly to this Bill, and who thought its principles right, not to persist in recommitting it, and thus placing it in jeopardy.

Mr. *Miles* called upon the hon. and learned Member for Chester, not to allow himself to be led away from his declared intention of dividing the House.

Mr. *Briscoe* begged to join in the recommendation not to divide the House. He was as sincere a Reformer as the hon. and learned Member for Chester, but there were times when it became the best and most sincere Reformers not in their zeal to overstep the bounds of prudence, and thus play the game of the enemies of Reform. He would suggest to the hon. and learned Gentleman whether the appeals of hon. Members of the other side of the House could have been made out of any feeling friendly to the cause in which he, in common with the hon. and learned Gentleman was engaged. He earnestly implored the hon. and learned Member for Chester not to persist in dividing the House.

Sir *E. Knatchbull* was quite as sincere as the hon. Gentleman in his desire to reform all that was wrong. The simple question before the House was whether the shilling that was now exacted on the registration of voters should continue to be exacted or not? The noble Lord (Lord John Russell) said, that he believed that the House was unanimous in wishing to get rid of the shilling, and he should like to know, if that were the case, why the noble Lord refused to accede to the present motion. Why not seize on this opportunity of effecting his object? If hon. Members wished to get rid of this inconvenient impost, he warned them to take the present opportunity of doing so, and to support the motion of the hon. and learned Member for Chester.

Mr. *Williams* said, that he for one should be most anxious to have the proposition of the hon. and learned Member introduced if there was any chance of passing it. He must say, however, that the proposition had nothing whatever to do with the present bill, and he would, therefore, recommend the hon. and learned Gentleman not to press it to a division.

The *Chancellor of the Exchequer* begged the House to understand how this question really stood. He would take the liberty of asking those hon. Gentlemen who were anxious for a relaxation of the rate-paying clauses, whether they could effect that purpose by impeding the progress of the present bill? The hon. Baronet (Sir E. Knatchbull) claimed to be a reformer of all he thought to be wrong. He did not mean to impugn the hon. Baronet's sincerity, but he must be allowed to say, that, in his opinion, the hon. Baronet was recommending a course which was calculated to impede the progress of a measure favourable to popular rights. Why did not the hon. and learned Member for Chester introduce a bill simply to reject the payment of the shilling. The House would then be enabled to discuss the question on its merits. But in opposing the motion of the hon. and learned Gentleman, they were apparently voting against their own opinions, because they thought the motion was so ill-timed as to be mischievous to the progress of another measure. Did the hon. and learned Member for Chester wish for the success of the bill as it stood? Why, then, did not the hon. and learned Member, in place of moving an amendment, move for leave to bring in a distinct bill to repeal the shilling? He warned the hon. and learned Gentleman not to be led away by the hon. Gentlemen on the other side. Those hon. Members wished to see the two questions in conjunction, because they wished to impede the progress of the bill before the House. He appealed to all the hon. Members on his own side of the House to support the present measure—the object of which was the relaxation of the rate-paying clauses, and he appealed to the hon. and learned Member for Chester whether he would not best consult the interests of reform by withholding his motion.

Mr. *Jervis* said, that if the Government would undertake to bring in a bill to accomplish the object of his motion, he would waive his objection to the present bill.

Sir *E. Sugden* called upon all hon. Members on all sides of the House to support the very reasonable proposition of the hon. and learned Member for Chester. What was the cause of the objection made by her Majesty's Ministers? It was not because the proposition was unreasonable, but because it exhibited to the House and the country themselves and their friends in opposition on a public question. He thought that the subject of the motion of the hon. and learned Member properly belonged to the present bill.

Mr. *C. Buller* suspected that the good-natured suggestions of hon. Members on the other side of the House were intended to effect a temporary coalition between themselves and some Gentlemen on the Ministerial side. This was not the first time the attempt had been made, and he need hardly say with what little success. He was the first person who in that House had proposed to repeal the shilling upon registration. When the bill was introduced last Session for the relaxation of the rate-paying clauses, the right hon. Baronet, the Member for Tamworth, in adverting to the measure, said, that it was not sufficiently large; that a boon was given to the freemen and to the 10*l.* householders, but that no boon was given to the agricultural voters; by which he supposed that the shilling on the registration was to be understood; but, nevertheless, when he endeavoured to obtain this great boon, he was left without support by the hon. Gentlemen opposite. He did not believe that the measure would now be supported by the hon. Gentlemen opposite if it did not afford them the means of thwarting a bill which was pressed forward by the Government. The fair question before the House was as to the proper mode of repealing the shilling, and in his opinion the introduction of such a measure into the present bill would have an injurious effect. But when the noble Lord pledged himself to bring forward this point in a bill of registration, he could not deny, that that was the proper measure in which to introduce it. Before sitting down he had one word to address to his hon. Friend, the Member for Chester. He thought it would be prudent in him to do these great things somewhat more gradually. It would be far more discreet in him not all at once to profess excessive Radicalism. [*Cheers.*] For the very cheers from the opposition benches with which his words were re-echoed proved to demonstration that his hon. Friend's sudden support of Radical opinions was considered by these competent judges as approaching as nearly to pure Toryism as it was possible to approach.

Mr. *Harvey:* As the hon. Member who had just sat down was very properly considered to have a patent of facetiousness, he was not at all surprised that he should treat in that light the evident temporary coalition between the hon. Gentleman on the other side of the House and her Majesty's Ministers. He was, then, to understand that the Ministers were distinct from the Radicals, and that they desired to be so. For his purpose, however, he should unite them, and he was about to observe, that it was in his opinion, somewhat ungracious to impute to them merely a temporary coalition. Were it but a temporary coalition he hardly knew what would become of all the measures of the Government when repudiated as they so often were by the Radicals. But he owned he was disposed to vote in favour of the motion of the hon. and learned Member for Chester for that very reason. He did not always expect to find the Gentlemen who now figured under the guidance of the hon. Baronet, the Member for Kent, in the same patriotic humour they were at present. It was evident they were for the moment making holiday, and acting on the principle of each for himself. If, however, to-morrow or the next day, the point under discussion chanced to be submitted to a secret council of their leaders, he had little doubt that they would receive different orders, and that the patriotic zeal they so eminently displayed on this occasion would be subdued, and they would be found co-operating with those with whom they were alleged to have this temporary coalition. He therefore wanted to catch the Gentlemen opposite. If the motion was supported by their majority there would be no harm done; and if they should chance to be in a minority, there would at all events be left a splendid record of those who for once in their lives were proved well-intentioned—a record which might be applied to on that promised occasion which the hon. Baronet, the Member for Kent, seemed to think might soon arise. It was said that the present was an inappropriate occasion for the motion of the hon. Member for Chester; he, on the other hand, thought it was a most appropriate one, and should therefore give it his support.

Mr. *Brotherton* hoped that Gentlemen on his side of the House would not be deluded by the motion of the hon. and learned Member for Chester. He considered that the Registration Bill would be the proper place to introduce the subject. He thought that the payment of the shilling was not a matter of the importance attributed to it, for he knew that several revising barristers had declared that it was not necessary to entitle a party to the right of voting.

The House divided on the original motion:—Ayes 152; Noes 75; Majority 77.

List of the AYES.

Adam, Sir C.
Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Baines, E.
Ball, N.
Baring, F. T.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Benett, J.
Bentinck, Lord W.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Buller, C.
Busfield, W.
Campbell, Sir J.
Cavendish, hon. G.H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L.
Chester, H.
Collier, J.
Cowper, hon. W. F.
Craig, W. G.
Currie, R.
Curry, W.
Dalmeny, Lord
Dennistoun, J.
Divett, E.
Duke, Sir J.
Duncan, Viscount
Dundas, C. W. D.
Dundas, F.
Dundas, hon. T.
Dundas, Captain D.
Ebrington, Viscount
Elliot, hon. J. E.
Erle, W.
Evans, G.
Evans, W.
Fergusson, rt. hon. C.
Finch, F.
Fitzroy, Lord C.
Fitzsimon, N.
French, F.
Gibson, J.
Gordon, R.
Grattan, H.
Grey, Sir G.
Harland, W. C.
Hastie, A.
Hayter, W. G.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Horsman, E.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hume, J.
Hutton, R.
Johnston, General
Labouchere, rt. hn. H.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Maher, J.
Marshall, W.
Martin, J.
Maule, W. H.
Melgund, Viscount
Mildmay, P. St. J.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Muskett, G. A.
Nagle, Sir R.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
O'Ferrall, R. M.
Paget, F.
Palmerston, Viscount
Parker, J.
Parnell, rt. hn. Sir H.
Parrot, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Ponsonby, hon. G.
Power, J.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Sandford, E. A.
Scholefield, J.
Seymour, Lord
Sheil, R. L.
Somerville, Sir W. M.
Speirs, A.
Stanley, W. O.
Stansfield, W. R. C.
Stewart, J.
Stuart, Lord J.
Stuart, V.
Strutt, E.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Townley, R. G.
Troubridge, Sir E. T.
Tuffnell, H.
Vigors, N. A.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Walker, C. A.
Wallace, R.
Warburton, H.
Westenra, hon. J. C.
White, A.
Williams, W.
Wilshere, W.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Acland, T. D.
Alsager, Captain
Attwood, W.
Attwood, M.
Bailey, J.
Baker, E.
Barneby, J.
Barrington, Viscount
Bolling, W.
Broadley, H.
Broadwood, Henry
Brownrigg, S.
Burdett, Sir F.
Burroughes, H. N.
Chisholm, A. W.
Cole, Viscount
Compton, H. C.
Corry, hon. H.
Darby, G.
De Horsey, S. H.
Dick, Q.
Douglas, Sir C. E.
Dowdeswell, W.
Eastnor, Viscount
Egerton, Sir P.
Ellis, J.
Farnham, E. B.
Forbes, W.
Forester, hon. G.
Fort, J.
Fremantle, Sir T.
Goddard, A.
Grimsditch, T.
Harvey, D. W.
Henniker, Lord
Hodgson, R.
Holmes, hon. W. A.C.
Holmes, W.
Hope, G. W.
Houstoun, G.
Hughes, W. B.
Ingestrie, Viscount
Irton, S.
Jackson, Sergeant
Jervis, S.
Johnstone, H.
Jolliffe, Sir W.
Jones, W.
Knatchbull, right hon. Sir E.
Lockhart, A M.
Logan, H.
Maidstone, Viscount
Miles, P. W. S.
Neeld, J.
Pakington, J. S.
Parker, R. T.
Perceval, hon. G. J.
Plumptre, J. P.
Reid, Sir J. R.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Sandon, Viscount
Scarlett, hon. J. Y.
Scarlett, hon. R.
Somerset, Lord G.
Sugden, rt. hon. Sir E.
Verner, Colonel
Wakley, T.
Whitmore, T. C.
Wilberforce, W.
Wilmot, Sir J. E.
Wodehouse, E.

TELLERS.

Jervis, J.
Miles, W.

Report received.

INSANE PERSONS.] Mr. *Barneby* moved the third reading of the Custody of Insane Persons Bill.

Mr. *Warburton* had strong objections to the clauses in the Bill by which property could be taken from an insane person, and by which the restoration of that property was not enforced when the person was declared of sane mind, and dismissed from the asylum. He trusted the projector of the measure would postpone the third reading, in order that the House might consider the objectionable clauses. [Mr. *Barneby* intimated a refusal.] He would then move as an amendment, that the Bill be read a third time that day six months.

Mr. *Wakley*, in seconding the motion, said that the clauses which enabled magistrates, after having taken the opinion of one medical man, to sell the goods and chattels of a poor person declared to be insane, was harsh and cruel in the extreme. Insanity was a temporary affliction, and might in many cases be cured in three months, and it might so happen by this Bill, that when the unfortunate individual was set at liberty, he would find the whole of his goods and chattels gone for ever. But there was another objection to this Bill—namely, a medical objection; and unless the hon. Member consented to alter the Bill so as to obviate that objection, he would not consent to the third reading, and would persist in taking the sense of the House upon the subject. By this Bill a power was given to any magistrate to summon before him any physician, surgeon, or apothecary, to examine any person supposed to be insane. That duty was at all times a most dangerous one, and nothing was more against the feelings of medical men than to be called upon to investigate the condition of persons supposed to be insane. There had, too, been instances of medical men, who had been called on to make such investigations, having suffered severely from the hostile feelings created in the minds of insane persons who had undergone their examination; and notwithstanding all this, by the measure before the House, any medical man was to be compelled to give an opinion on cases of suppositious insanity, and that, too, without any remuneration whatever. On these two grounds, therefore, he opposed the third reading of the Bill, and gladly seconded the motion of his hon. Friend.

Mr. *Barneby* would not object to postpone the third reading, but he wished to say a few words in regard to what had fallen from the hon. Member for Finsbury. The word "summon" was not in the Bill; nor by the clause, as framed, could any medical man be obliged to attend on the call of a magistrate to investigate the condition of persons supposed to be insane. He might further state, that he had no objection to leave out the words "goods and chattels", so as to adapt the clause to the views of the hon. Member for Bridport.

Question deferred.

HOUSE OF LORDS,

Saturday, February 10, 1838.

MINUTES.] The Royal Assent was given by Commission to the Canada Government Bill.

Petitions presented. By Mr. BROTHERTON, from Birkenhead, for the abolition of Slavery.—By Sir W. SOMERVILLE, from Drogheda, against the Bank of Ireland monopoly.

HOUSE OF LORDS,

Monday, February 12, 1838.

MINUTES.] Petitions presented. By Lord STRANGFORD, from Coventry, against any system of Education not founded on religion.

PRESBYTERIAN OATHS (IRELAND) BILL.] The Marquess of Lansdowne moved the Order of the Day for the second reading of the Presbyterian Oaths (Ireland) Bill.

Lord *Brougham:* I hope to persuade your Lordships to throw out this Bill; I have the strongest objection to it.

The Marquess of *Lansdowne:* If my noble and learned Friend means really to express his objection to the Bill—

Lord *Brougham:* I will state to your Lordships what my objection is—it is not one of details but of principle. This is one of those Bills which occasioned so much mischief to the law, and he was surprised that it should have come from the House of Commons. No one would suppose, that he objected to extending any relief to persons of any religious persuasion. His objection to the Bill was this—that through ignorance of the law on the part of those who patronised it, the Bill sanctioned this principle—that the law of oaths was different in different parts of the United Kingdom. The fact was, that in England and in Scotland the law was at this moment the same with regard to Presbyterians; and here he must observe, that the language of the Bill was, "the people called Presbyterian;" it might just as well be said, the people called Churchmen, for the Presbyterians were as much established as the Church of England; the Quakers were not established, and therefore they were termed, "the people called Quakers;" but the Presbyterians were upwards of two-and-a-half millions in number; they were established by law, and they included several of his noble Friends opposite, the family of one of whom had been the pillar of their Church for centuries past; and when the Presbyterians went to Ireland they were as much Presbyterians as they would be in England or in Scotland; but this Bill gave the Presbyterians the privilege of making oath by holding up their hands, as if this were not the law of evidence at this day; as if it had not been acted upon for a century; as if a Presbyterian had not been sworn in the Court of Queen's Bench, within the last twelve months, in this way; as if a man had not been convicted capitally, at Newgate, upon the evidence of a Presbyterian sworn in this way; as if, in the year 1745, this question had not been raised at Carlisle on the trial of the rebels, on a Presbyterian refusing to take the oath in the accustomed way, and being allowed to take it by holding up his hand; and the judges, upon being appealed to, decided that he had a right to do so. The Irish Parliament chose to bring in a Bill, in the year 1781, giving the seceders the right of being sworn, namely, by holding up the hand. But this was no relief; it was a right which they possessed before; and, instead of being an extension of their privileges, it actually abridged them; for it excluded them from being witnesses in criminal cases, unless sworn in the ordinary way: so that if a man committed murder or robbery in the presence of a seceder he was not competent to become evidence of the fact. There never had been such ignorance exhibited as in the framing of that Act. It astonished English lawyers at the time, but what did their Lordships think of being now called upon to enter the same boat with the Irish Parliament, and to give their assent to a measure exhibiting equal ignorance and want of knowledge of the law? He would show them how this Bill had been framed, in order that they might see in what manner Bills were pressed through another place. When men professed to be lawgivers, it was not too much to expect that they should know a little of what the law was with which they meddled. Their Lordships would see, that the person who sent the Bill up to this House never could have read the preamble of it. It professed to give a greater relief to seceders than they now enjoyed. It was true, that the relief which it had been intended to confer upon the Dissenters had been ineffectual, but that, as he before explained, was owing to the Act of 1781. The Bill, when it stated that it was expedient to extend to seceders further relief, gave them that which was no relief at all; but, on the contrary, restrained the privileges which they possessed. If ever there was a measure sent up to that House which exhibited hopeless blundering, total incapacity, and blind ignorance, it was this preposterous and ridiculous piece of legislation.

The Marquess of *Lansdowne* said, that if he had not been interrupted by the noble and learned Lord, when he rose to move the order of the day, he should have stated pretty nearly the same facts as those which their Lordships had heard urged to them in favour of the rejection of this Bill as the best and most cogent arguments in favour of the measure. It was undoubtedly true, as stated by the noble and learned Lord, that in England and Scotland Presbyterians were sworn in the way most agreeable to their own feelings, and that such would have been the case in Ireland but for the Act of 1781. That Act took away from the seceders in Ireland the privilege of being sworn, in criminal cases, like the English Presbyterians; and this exception had given rise to so much inconvenience, that it became absolutely necessary to remedy the evil As an instance of that necessity he might refer to the case of Doctor Cook, who refusing to be sworn in a criminal case unless in the manner of the English Presbyterians, had his evidence rejected by the court; the consequence of which was, that a verdict which, had he been examined, could not have been returned was found by the jury. Here was a positive abuse to be done away with, and as he and his noble Friend (Lord Brougham) could have but one object, namely to show a befitting respect to the well-founded religious scruples of all classes of men, he should be ready to confer with the noble Lord as to the best means of remedying the evil, either by repealing altogether the Act of 1781, or by proceeding with the present Bill. If the noble and learned Lord desired, he was quite ready for the present to postpone the Bill, but only on the understanding that in the course of the Session the matter should be considered.

Second reading postponed.

HOUSE OF COMMONS,

Monday, February 12, 1838.

MINUTES.] Bills. Read a second time:—First Fruits and Tenths; Waterford House of Industry.—Read a third time:—Banking Co-partnership.

Petitions presented. By Mr. LEADER, from Ayr, and from St. John, Westminster, for a full investigation of the conduct of the Glasgow Cotton-spinners.—By Mr. SANFORD, from Somersetshire, for Negro Emancipation.—By Sir R. FERGUSSON, from Londonderry, for modifications in the Poor Relief (Ireland) Bill.—By Lord F. EGERTON, from Lancashire, and by Mr. FIELDEN, from parishes and hamlets of Norwich and its vicinity, from Hunston, Donnington, North Mundham, Pagham, Chichester, Sussex, Weston-under-Penyard, Linton (Herefordshire), the city of Hereford, Bromside (Durham), Lockwood (York), Clayton, in the parish of Bradford, Hyde (Chester), Tonge (Lancaster), Huddersfield, from a public meeting at Sheriff-hill, Newcastle, Ossett-cum-Gawthorp (York), Gawthorp, from the township of Fixby, Linthwaite (York), and from Golcar, also in Yorkshire, all for the repeal of the New Poor-law.—By Mr. M. PHILIPS, from inhabitants of Manchester, for a system of National Education.—By Sir C. BURRELL, from Worthing, for protection against French Fishermen.—By Mr. HINDLEY, from Ashton-under-Line, and by Lord DUNCAN, from Southampton, for Vote by Ballot.—By Sir G. STRICKLAND, from Ledbury, for the abolition of Negro Apprenticeship.—By Mr. PENDARVES, from St. Ives, for a reduction of the duty on Post-horses.—By Mr. REDINGTON, from Dundalk, for the abolition of Tithes in Ireland

BREACH OF PRIVILEGE.] Mr. *Wakley* said, it was always with regret that he had to speak in the language of complaint, but unfortunately he had too often occasion to address that kind of language to the House. He had strong objections to every thing in the shape of injustice; and the manner in which a large portion of the people were treated by those who, day by day, were allowed to commit a breach of the privileges of that House, was most annoying to his feelings. He alluded to the press. With regard to the press, he had, individually, no cause to complain of its conduct, either before or since he had been a Member of the House; for, on the contrary, it had done him the greatest service, as it was to the press he owed the attainment of the high station he had the honour to hold as a representative of the people. He had been for a long series of years exposed to the abuse of the press, and it was to that abuse he was indebted for his seat in that House. Individually, therefore, he had no cause to complain; and it was on the part of the working millions who came to that House complaining, by petition, of the grievances to which they were subjected, and to seek for redress of those grievances—it was on the part of those who uttered their complaints to that House that he stood forward to complain of the injustice of the press. On Friday last, he had presented seven or eight petitions in favour of the Glasgow cotton-spinners, against whom a sentence of transportation had been passed. He was sorry to go into such a discussion, he did so with reluctance, but if the privileges of the House were to be violated, it ought to be done with the strictest impartiality. The petitions to which he had alluded, complained of the severity of the sentence, and prayed for a mitigation of the punishment. But in *The Morning Chronicle* of Saturday, there was an entire omission of every one of those petitions—they were not even alluded to, although one of them was signed by upwards of 18,000 persons. That fact might be of little importance; but what followed? The hon. and learned Member for Dublin immediately after presented a petition, and that petition being from the merchants, bankers, and respectable traders of Dublin, a description was given of its contents in *The Morning Chronicle.* In *The Times* newspaper, there were only two lines of a notice of the petitions which he had presented. It was stated, that "Mr. Wakley presented several petitions in favour of a remission of the punishment awarded to the five Glasgow cotton-spinners;" but in the following paragraph it was mentioned that—"Mr. O'Connell presented a petition signed by the Lord Mayor and 4,000 inhabitants of Dublin, praying for an inquiry into the system of combination amongst workmen." Now, he would ask, was that House prepared to witness, day by day, a violation of its privileges; and, at the same time, to witness without notice such an act of injustice? Some hon. Members might consider the Glasgow cotton-spinners guilty; but it ought not to be kept from the public, that there were thousands upon thousands who considered the sentence upon those unfortunate men as far too severe, and who prayed by petition to that House for a mitigation of punishment. He did not intend to make any motion on the subject, but he wished to state for the information of the House and of the public, that on Friday last, he had presented petitions from Manchester and Salford, from the committee of the trades of Edinburgh, from the united labourers of Edinburgh, from the operative masons of Scotland, from the operative cork-cutters of London, from Linwood, and from the working classes of Dundee, praying for a remission of the sentence. He had now, in conclusion, to state, that whatever might be the consequences to himself, or whatever might be the consequences to that House, he would, if a similar course of injustice were pursued on future occasions, fearlessly and perseveringly exercise the privilege to which he was entitled—he would call the attention of the Chair to the fact of strangers being in the House, and, as the consequence, have every stranger rigorously excluded; for, in his opinion, it was better that none of their proceedings should be reported, than that a partial and incorrect account should go forth, giving rise to delusion and misconception in the public mind. The hon. Member concluded, by presenting several petitions.

POOR-LAWS (IRELAND).] Lord John Russell moved the Order of the Day for a Committee on the Poor-law (Ireland) Bill.

Lord *Clements* asked permission of the House to make a few observations on the general principles of this bill, as he had been deprived of the opportunity of doing so during the discussion on the second reading. The subjects to which he wished to speak more particularly on the present occasion were, the patronage which would be created by the bill, out-door relief, and the law of settlement. These were questions of a general nature, which he should be incompetent to treat at any other period than the present. He wished to express his sincere thanks to the noble Lord (the Secretary for the Home Department) for introducing the present bill, with the main features of which he most cordially concurred. He thought that nothing could be effectually done to ameliorate the condition of Ireland, unless the state of the poorer classes was taken into most serious consideration. He rejoiced that the bill was in the hands of the noble Lord, and, without wishing to say anything to raise a party discussion, he thought that a great debt of gratitude was due from the people of Ireland to that noble Lord for the introduction of it. It was a most important measure, and he thought that its success depended very much, if not entirely, upon the manner in which the patronage it created was disposed of. He knew that many of his constituents considered that the powers of the Poor-law Commissioners were much too large. In answer to this objection, it had been said, that there was no inducement for the Commissioners to abuse their powers. He could not see the force of that observation, because much greater evils might arise from the ignorance of the central commission than from any wish to do anything wrong. There ought to be some understanding that the Assistant-Commissioners, who were to instruct the Commissioners and the Boards of Guardians, should be persons who were perfectly cognizant of the habits and circumstances of the poorer classes in Ireland, among whom they were to discharge the duties of their office. It would be useless to appoint a staff of officials, who were ignorant of the customs and character of the people. He was afraid, that there never would be much or any good done to the suffering poor in Ireland without a very extensive system of out-door relief, and also without an extensive system of voluntary out-door relief. Much had been said respecting the way in which the clergy were to act with respect to this Poor-law Bill. It had been said, that the principle of excluding clergymen from taking an active part in a Poor-law would be beneficial ultimately. It might be so. He felt that there was much weight in the arguments of those who supported that principle; but, considering the present condition of Ireland, he thought that facilities should be given to the clergy for inducing voluntary assessments in their respective parishes. He knew no class of persons who had been so much maligned and unfairly dealt with as the clergy of both persuasions in Ireland. He was well acquainted with many, both of the Protestant and Roman Catholic clergy there, and he must say,that they had not been duly praised for their zeal and anxiety in the discharge of their duties, and, above all, for the universal principle of charity which they exemplified. The clergy had been placed in a hostile position with their fellow-countrymen, and they were supposed, in that House, to be mere politicians, but every person who knew them well, knew that they were ever on the alert for the purpose of relieving those who were objects of charity. He thought the Poor-law Commissioners ought to encourage the clergy and charitable people in general to come forward in the way he knew many did at present to assist persons out of the workhouse, and unless that was done, and the system was perfectly organised, he was afraid the bill would turn out a complete failure. With respect to the law of settlement, he thought that many erroneous notions prevailed. He was very anxious that some plan of settlement should be laid down, and thought that the bill would be incomplete without it. He knew, that in the western districts of Ireland, from the unfortunate way in which the lands were managed, great poverty prevailed, and consequently a great number of mendicants was to be found there. He thought that the bill should be first introduced into the western districts, for unless it succeeded there, it would certainly fail altogether. It would not be wise to stop the administration of out-door relief suddenly and simultaneously throughout Ireland, for, though there was no written law, there was a customary law, that all mendicants should be relieved by those to whom they applied. He suggested that the bill should be first tried in the poorer districts of the country, in the same manner as the English Poor-law Amendment Act had been introduced into those parishes in England in which pauperism was most prevalent.

Sir *E. Sugden* would not rise to address the House on the present occasion, but that his connexion with Ireland had given him a deep interest in all matters that related to the welfare and prosperity of that country; he hoped, therefore, the House would excuse him if he offered a few observations upon the subject now under its consideration. He entirely agreed, that the time had arrived when some system of Poor-laws was necessary for Ireland, and he believed, that the calculations which had been made and spoken of in the course of the debate were of little or no importance; for if the views of the hon. and learned Member for Dublin were correct, there was a great deal more destitution existing in Ireland than the framers of this measure supposed, and that great extent of destitution rendered this measure still more necessary than if the framers were accurate in their calculations. It had been said, that it was very difficult, in speaking on this subject, to know what was destitution and what was poverty. He thought that what was poverty in Ireland would be destitution in England, and, therefore, in speaking of poverty and destitution, the one was so much mixed up with the other that it was impossible to separate them, or to state what was the amount or number of those in a state of destitution in Ireland. Thinking, however, that a poor-law was necessary, he was under the necessity, on looking at the Bill, and without referring to the question of out-door relief, of coming to the conclusion that it was insufficient for its own object. He could not disguise from himself that the erecting of large workhouses, as was proposed, at great distances from the places where the most considerable masses of the population were congregated, would hardly afford that relief to which, if a poor-law was necessary, as he admitted it was, the people of Ireland were justly entitled. Under the Bill as it now stood, and with which he did not find fault, no general right to relief was given, but relief was limited to lame, impotent, infirm, and aged persons, who were unable to maintain themselves, and the extent or amount of the relief was left to the discretion of the Commissioners, while no limit was placed to the extent of the expenditure. He thought that relief ought to be extended to able-bodied labourers. Nothing in his judgment could be more unwise than the proposed expenditure of a million of money in the erection of edifices for workhouses before it could even be guessed how the Bill would work. He was disposed, therefore, to go economically to work at first, for there was no man wise enough to say how this measure would operate in Ireland. This expenditure was not at all necessary at the outset, especially as the relief was to be confined to the lame, aged, and infirm, and was not to be extended to the able-bodied destitute poor. He therefore thought the experiment ought to be tried first on a small scale before so large an outlay was lavishly made. There was one provision of this Bill of which he entirely disapproved—he alluded to the clause, which as yet had passed unnoticed, but by which it was proposed to place under the direction and absolute control of the Poor-law Commissioners all the hospitals and other charities for the relief of the poor now existing in Ireland. He, for one, would certainly never agree to that or any other clause which would take from the poor of Ireland that relief to which they were entitled, and were in the enjoyment of, under existing foundations. By that clause, the Commissioners would be entitled to take those charities into their own control, and bring the funds of those charities in aid of the general Poor-law Relief Bill. This was not consistent with justice, and was not authorised by the provisions of the English Poor-law Act, and, in his opinion, there was no right in law to interfere with the grants or funds with which those charities were endowed. He, for one, would not consent to take away those vested rights which the poor enjoyed at present in Ireland. But on other grounds he objected to that clause. If no provision were made for the granting of out-door relief, the charities now existing, if uninterfered with, would afford a sort of safety-valve during the first working of the measure, and he was satisfied no greater mistake could possibly be made than to place those charitable institutions upon the same footing as this Bill. Parliament would be guilty of a great inconsistency if it took those charity funds and perverted them from the purposes of the original founders, according to the views of the framers of the present measure, and of those who might be charged to carry that measure into operation. The clause to which he adverted was the 46th, which provided—

> "That the Commissioners should be authorised from time to time to visit, inspect, and inquire into the management of every hospital, asylum, infirmary, dispensary, mendicity, or other charitable institution, not wholly supported by voluntary contributions, and not being an institution dedicated exclusively to religious purposes or a school, and to require from all persons in whom any estate, property, or funds, should be vested or held in trust for any such charities, a true account in writing of the estates, funds, rents, &c , and the appropriation thereof, and of all other particulars relating thereto, as the Commissioners should think fit; and that the Commissioners might from time to time, having reference to the statutes, charters, deeds of foundation, or endowment, will of donor, or by-laws, by which any such hospital, asylum, infirmary, dispensary, mendicity, or other charitable institution, should be by law governed, make and issue all such orders as they should think proper for the government of every such hospital, &c., and the officers thereof, as the Commissioners might deem necessary for the prevention of any conflict between the objects and purposes of any such institution and the objects and purposes of this Act."

Now, what right had the House thus to take away the vested rights of the poor in these charities? Let the House mould its laws to harmonise with those charitable institutions, but let it not take away those charities from the poor; let it not take away their vested rights in order to avoid any conflict between those charities and the Bill. By this clause, as he read it, the whole property of these charities would be confiscated in order to be brought in aid of the provisions of this measure. It would be extremely hard, after denying to able-bodied labourers out-door relief, to deprive them of the relief those charities afforded; and it would be a mockery, after this interference with those charities, to tell the poor infirm pauper that he must travel some forty miles to the workhouse before relief could be administered to him. Now, he could not but think that a little relief for a short time at home was much better than relief in a workhouse, though continued for a period of twelve months. There was no ground whatever for taking away the benefits arising from the existing charities, and he could not but object to these new restrictions upon the poor without giving them a right to relief under this Bill. He thought, also, it was of great importance to provide some limitations to the amount of rates to be levied, in order that some restraint and control should be exercised over the Commissioners, in whom these great powers were to be confided. As to the omission of any provision in respect to the law of settlement, he did not regret it, as in this country it had led to expensive litigation, and its evils were not compensated by any benefits it afforded; but, at the same time, this omission created a difficulty with respect to the operation of the emigration clauses in the present Bill. There being no law of settlement, the union to be formed might be filled at any given time with paupers from all neighbourhoods and districts—men might choose their own place of living, and seek relief from the union of that place, and then, when emigration began, when the money was raised for emigration and charged upon that particular union, it would not be relieved, because it would be at the expense of the emigration of its casual, and not its own natural, pauper population. The moment emigration took place, the vacuum would soon be filled up, and that particular union suffer severely. Though friendly to emigration generally, he would not give a premium to emigration, by which some of the best and most substantial peasantry of Ireland might be lost to that country. When the unions were to be opened to people from all parts of Ireland, he could not see how, in the absence of any law of settlement, the emigration clauses could work beneficially, and he, therefore, was of opinion, that they must be re-considered. He repeated, that in all the clauses for raising money, some limitation must be provided. Such was the case in the English Act, and Ireland had a right to the same control and restraint over the commissioners, who were to have such ample powers and authority. If such a limitation were not inserted in those clauses, he should vote against them. On the whole, he thought that, in the matters he had named, the Bill required great alteration, or it must be withdrawn. But there still remained a great many other provisions in this Bill to which he entirely objected. It had been said, that this Bill would tend very much to put an end to vagrancy in Ireland. This, however, he much doubted. On the contrary, he was of opinion that it would serve to encourage it, for, as every workhouse would be open, and as every man had a right to go to any part of Ireland, he might demand relief anywhere, and thus he would be incited, as it were, to travel about the country. As regarded mendicancy, he thought that it was utterly impossible, under the clauses of this Bill, to put an end to or stop it. There were also some other clauses in the Bill which he hoped the House would not be induced to pass in their present shape. He alluded to the clauses inflicting punishment and penalties on individuals for such offences as the non-maintenance of their wives and families, though the Bill gave them no right to relief in their destitution. By the clauses to which he referred, certain liabilities were imposed on the poor of Ireland. By the first of them it was provided that every married woman should be bound to maintain her own children, and every child of her husband. Now, could any thing be more preposterous than this? If such a provision were carried into effect, a woman would have to maintain every child which her husband might have had by a former marriage. There was another part of the clause to which he begged to call the attention of the House, and about which a great deal had been said in another place with regard to its policy as applied to England. The Bill threw the maintenance of illegitimate children on the mother. Now, he believed, that, at present, there was no law in Ireland by which the father was bound to support his illegitimate children, nor the mother either. Therefore, when this clause said, that there should be no liability on the father to maintain his reputed offspring, the Government ought to have known that no such provision was necessary. He, however, was not prepared to visit the frailty of the woman and the profligacy of the man wholly on the woman; and, it was his opinion, that we could not read a worse moral lesson to the people, than by teaching them how to avoid what ought to be the inevitable consequence of indulging their own passions. He, for one, should certainly oppose this part of the Bill. The clauses to which he had referred were extremely harsh. They gave no rights, they conferred no immunities, but they imposed burthens and liabilities on the people of Ireland. There was yet another clause to which he would invite the attention of hon. Members. The House would hardly believe that, if a person refused to maintain a child which had been left in his care, he might be treated as a delinquent, and kept to hard labour. This clause rendered it penal for any person to desert a child under the age of seven years, so that any person who had the custody of a child under that age, either casually or as its parent, or relative, or nurse, might, if the child were deserted, be imprisoned for three months. Now, was there ever a more absurd proposal than this? If the clause were allowed to stand, an unhappy servant, in whose care the child might have been left by its unnatural parent, would be liable to imprisonment for three months for leaving another person's offspring, and a person who, like Don John, in Beaumont and Fletcher's play, had an infant popped into his arms, and refused to take care of it, would be liable to the same penalty. It might not be intended to carry the operation of the clause quite so far, but there ought to be no penal provisions in the Bill which it was not meant to enforce. On the whole he meant to give his support to the Bill, not in its details, for he certainly should feel it his duty to vote against several of them, but he knew of no better plan, and not having any better measure of his own to propose, he should give a general support to the principle of the Government measure. He must say, however, that in carrying the Bill into operation, he had no wish that any great expense should be incurred at the outset.

Viscount *Morpeth* hoped that his noble Friend (Lord Clements), and the right hon. Gentleman who had just sat down, would not suppose, that it was from any disrespect to them that he abstained from following them into the details of this measure, particularly after the opinion which the House had expressed in a very intelligible manner the other evening, that it would be desirable to go at once into Committee. He did not understand that his noble Friend or the right hon. Gentleman were opposed to this Bill on principle, and he thought that it would be most in accordance with the feelings of the House to go now into Committee, and then use their best endeavours and utmost exertions to make the present such a measure as would conduce to the welfare of Ireland. He had, therefore, only to thank those hon. Members who had given their opinions on subjects connected with the details of the Bill, and he could assure them that their suggestions should be carefully considered by the Government, in order to make the Bill perfect if possible. He had the more satisfaction in recommending the adoption of this course, as, after all the censures which had been cast on the Bill, no other measure had been proposed which presented any feasible alternative.

Sir *Francis Burdett* wished before the question was put to express his strong feelings of opposition to the measure. He thought it was not maintainable in principle; that many of its clauses were most objectionable, and he was persuaded it never would be carried into effect. It might be said: " Why object to the Bill in this stage, since the clauses may be altered in Committee?" Certainly, from the examples which they had had of other Bills that had gone out of this House in so totally different a shape from that in which they had come into it, they might fairly expect that this Bill would undergo many modifications before it got through the Committee. But he objected to the Bill altogether. It appeared to him that her Majesty's Ministers had not even taken the trouble of applying to the Members of this House who belonged to that part of the empire, and whose advice, opinions, knowledge, and information would undoubtedly have been of the greatest possible importance. It was a Bill totally inapplicable to Ireland; for none of those general principles by which the noble Lord sustained himself, and which were to be found in all the modern treatises on political economy, were in the slightest degree applicable to Ireland. To attempt to impose a measure of this kind on the people of that country evinced a total disacquaintance with all their feelings, habits, customs, and prejudices, if you will, which were totally and entirely opposed to it. Then, the relief which was offered to them was nothing. No person in that House would be more anxious than himself to adopt a real measure of relief for the people of Ireland. Indeed the House, he was sure, would gladly catch at any thing that offered the probability of relief; but what he contended was, that the people of Ireland were at present better off than they would be under this Bill, if, by its operation, they attempted to take from them the right to which they had been long accustomed, of going about the country. But the Legislature never could prevent them from following up that habit. Something very superior indeed to what this Bill proposed giving, must be held out to them, in order to reconcile them to the privation of that right. To fancy that the people of Ireland could be shut up in workhouses all over the country, or to imagine that they would submit to that provision without some better equivalent than was now offered to them, appeared to him, one of the greatest illusions that could possibly deceive the mind of man. He was, however, not disposed at this moment to go into the general question, because he felt that it would be inconvenient to the House; but no opportunity would again occur in which he could so strongly protest against the measure *in toto* as the present. The feelings of the people of Ireland ought to be consulted more than they had been by those who propounded this Bill. Neither did he see the possibility of answering, among other arguments urged by the hon. and learned Member for Dublin the other night, that one in which the hon. Member pointed out the inability of the poorer classes of farmers to pay the tax intended to be levied upon them. It was true that those poor occupiers did afford relief to the destitute; for undoubtedly it was a characteristic of the people of Ireland that they were, of all nations upon earth, the most charitable. But how were they to pay the rate to be imposed on them? They might, as they now did, give a certain portion of their produce; but it was impossible to raise from that class of people any thing like a toll in coin. It appeared to him, therefore, that this measure was altogether impracticable; and he would venture to predict that it would never go out of that House. He conceived that all the arguments advanced by the hon. and learned Member for Dublin, the other night, against the Bill, were unanswerable, or, at least, had been left unanswered. After a great waste of time in discussing the principle of the Bill, and of its clauses in Committee, the inconveniences and hardships of it would be made apparent, and he was confident it never would get through the House. Besides, another thing to be considered was, that the people of Ireland had not called for this measure; no portion of the people had asked for it. Unless, therefore, some measure a great deal more applicable than this seemed to be, something much better digested, and based upon a much sounder foundation could be proposed, it was his firm persuasion that it would be far more advisable to stop it at the present moment, than to waste a vast deal of time in discussing it, when it was impossible that it could ever be made useful or palatable to the people of Ireland. Another consideration was the enormous expense which this measure would entail upon the country. There would be an outlay of nearly a million of money for the erection of workhouses. Now, that million of money might be very serviceably applied to the relief of the people of Ireland; but the way in which that money was now to be expended, would do them no benefit whatever. What was the number that would be relieved? Eighty thousand. Why, it had been stated that there were occasionally two millions and upwards of persons in a state demanding that kind of relief which the people received from one another; probably those who received relief one part of the year contributed to the relief of others at another period; and thus a sort of reciprocity of benefits was going on amongst them, and keeping up the feelings of benevolence and kindness that bound them together in mutual charity. But the present measure was to introduce a system that would do away with all those things to which the people were accustomed, and in their stead would impose the most irksome restraints. But it would be found utterly impracticable to prevent the people of Ireland from going about the country wherever they pleased. The House might just as well attempt to prevent the winds from passing over the tops of the mountains. Another thing that occurred to him was, that if they intended to proceed upon the same principle which they had introduced in the application of the Poor-law in England, they must make the restraint and inconveniences accompanying a residence within the workhouses such as would place the poor in a worse condition than they would be in their mendicant state. The Poor-law in England had certainly not produced such beneficial effects as to induce him to sanction the adoption of a similar measure in Ireland. As to preventing the poor of Ireland from going about to their friends and asking relief, it was the wildest and most mischievous notion that could enter into the minds of a government. He would not trespass upon the House any further, having availed himself of the opportunity to declare the strong objections that he felt to this measure.

Mr. *Barron* could not help congratulating the people of Ireland upon the sympathy which had been shown for them by the hon. Baronet. It was certainly quite consistent with all his past conduct. It was quite in consonance with his subscription to the Spottiswoode fund. He could not but congratulate the people of Ireland upon the appearance of a new advocate in their behalf. Still, he owned the hon. Gentleman's advocacy appeared in rather a suspicious light. He believed he knew somewhat more of the people of Ireland than the hon. Baronet; and what he did know of them convinced him that they would receive this bill as the greatest boon and the best practical measure that had ever been propounded for their benefit. The lame, the blind, the decrepid, and the aged would be protected by this bill; and he would ask any man of common sense whether that would not be a great step gained towards ameliorating the condition of the poor of Ireland? He begged to tell the hon. Baronet and all those who objected to this bill, that he had attended public meetings in Ireland, and he had found only one opinion expressed, as to the usefulness of this bill, and as to its probable practical working. In the county and city of Waterford there had been a measure in existence for the last fifty years in perfect accordance with all the principles laid down in this bill. It had worked in a most practically useful manner, in relieving annually from 400 to 500 of the poor of that city: and so far from the poor objecting to go to the workhouse they were most anxious to obtain admittance, and frequently were the governors of the institution obliged to refuse from thirty to forty, nay, sometimes fifty, individuals who applied for admission, because there was not sufficient room nor sufficient means for their support; although they were, as the hon. Baronet described it, confined in prisons and locked up in gaols. It was from total ignorance of the feelings of the people of Ireland, and of the condition of the poor, that the hon. Baronet had attempted to impede this measure; or, perhaps, it was worse — perhaps it was a desire to wound others—and not sympathy for the poor of Ireland, that had dictated this philanthropic outbreak on the part of the hon. Baronet.

Sir *W. Brabazon* was strongly opposed to the bill. He had received communications and letters not only from his constituents, but from large bodies of the people of Ireland declaring their decided opposition to the measure. He felt himself called upon, therefore, to oppose it. Founded, as it was, upon the workhouse system, he entertained a sincere conviction that it was not calculated to meet the ends proposed. The numerous objections to the bill had been ably stated by the hon. Member for Dublin, on the former day's discussion, and in the arguments then adduced he most fully concurred. He entertained very unfavourable impressions of the bill, and he had formed them after a careful perusal of the clear and lucid report of the poor-law Commissioners, the result of a careful investigation in Ireland, during three years, which they had passed in the execution of the trust reposed in them. It appeared to him strange that all their trouble was to go for nothing—that the valuable mass of evidence collected by them was to be laid aside, and, as he might say, considered as so much waste paper, while the suggestions of another gentleman sent, indeed, on the same mission, but who had only the experience of a few weeks in that country, were adopted. Why was that? Why did Ministers so pertinaciously adhere to this measure? It must be from a decided conviction that this bill of relief would act as the great panacea for the evils of that country, and that therefore the able opinions and authorities of the first Commissioners should have no weight in the scale, when opposed to this, the favourite Government measure. He was inclined to give Ministers the merit of good intentions in producing this bill. He could only have wished, however, that before the noble Lord had acted in a matter of such vast importance to the sister country, he had taken the trouble to go over to Ireland—all in that country would have been most happy to see and receive him— that he would have exercised his own good judgment, and would have made himself acquainted, by personal observation, with the real state of Ireland—with its wants and its destitution. He (Sir W. Brabazon) was certain that the noble Lord would have arrived at a very different result to that which he had now come. A great difference of opinion prevailed even in this country, as to the benefit of a system of indoor relief as it existed under the new Poor-law Bill. He had lately visited different parts of the rural districts of England, and though he must admit that the new Poor-law had been generally acknowledged as a vast improvement on the former system, yet with such a diversity of opinion existing as to the utility of the workhouse system in this country, and with the doubts necessarily attending the working of a new measure, he did not think it right to introduce a similar system into a country like Ireland, so little prepared for its reception. Before sitting down he must briefly allude to the state of things to which he thought might be fairly attributed the poverty, want, and indigence of Ireland. They arose, in his opinion, from the vast drains of money annually leaving her shores without any return being made, and from the state of absentee property. These evils had prevailed ever since the period of the union with this country. If he might be permitted to allude to a subject which he knew met with little countenance and had few advocates in that House on the mere mention of which the House always evinced its desire to prevent discussion, he would state his firm belief that the union was the true source of the miseries of Ireland; and though it might be dangerous to the friendly connection between the two countries, to dissolve the union at this moment, yet he could not divest himself of the belief that the repeal of that union was the only sure means of regenerating his country. Under all the circumstances, however, he was an advocate for a modified system of Poor-laws for Ireland, and he was anxious that provision should be made for the relief of those who were unable to earn for themselves a livelihood.

Mr. *C. A. Walker* was of opinion that the noble Lord, in introducing this bill, had acted in accordance with the opinion generally entertained upon this subject by the Irish landlords.

House went into Committee.

On the first clause being proposed,

Mr. *Shaw* objected to the mode of appointing the Poor-law Commissioners for Ireland. He desired to see them resident in Ireland, and consequently possessed of local knowledge. He thought it altogether impossible that the English Poor-law Commissioners could comprehend the necessities of the rural districts in Ireland.

Lord *John Russell* observed, that the English Poor-law Commissioners were possessed of very considerable experience in the operation of the existing poor law, and were, therefore, properly prepared to superintend its execution in Ireland. At the same time, he was by no means disposed to deny that it was desirable to have individuals resident in Ireland to administer so much of the act as would require local knowledge and management. The right hon. Gentleman would, however, find at the end of the act the power specifically given of sending one of the Commissioners to Ireland, at the same time that the whole operation of the act would be under the superintendence of the board in London, with a view to insure regularity.

Mr. *O'Connell* objected to the idea of English Commissioners being permitted to override Ireland. One of the chief objections which he found to this bill was, that it gave to persons unconnected with Ireland the power to carry its provisions into effect; that it not only took away this power from individuals identified with Ireland, but intrusted it to persons who he would not say were aliens, but who were remote from Ireland. He should be happy to get rid not only of this particular plan, but of the bill altogether.

Sir *E. B. Sugden* thought, that the residence of at least one Commissioner in Ireland should be made absolute, and that it should not be left at the discretion of any party.

Mr. *Goulburn* suggested that there should be an office in Dublin for the reception of information of every description connected with the operation of the proposed law, whether under the control of resident Commissioners or not. The object of his right hon. Friend near him (Mr. Shaw) was to secure the existence of some constant resident authority in Dublin, capable of giving information upon every subject which might arise.

Mr. *C. Buller* observed, that the English bill was a remedy against dishonest mendicancy, while in Ireland the great object to be attained was the introduction of a system merely to provide relief for the destitute, they not having hitherto been entitled to it. The circumstances of the two countries were, therefore, different; and being so, he thought it would be most unfit that the persons appointed to administer a poor-law in Ireland should be the same persons who were intrusted with a similar law under perfectly different circumstances in England. He was of opinion, that there should be established for Ireland an entirely independent board.

Mr. *J. Grattan* thought, that a board composed of Irishmen, and resident in Ireland, would be the most ineligible thing possible. By the bill they were to have one Commissioner to attend in Dublin, and that, in his opinion, would be sufficient, acting as he would in co-operation with the English Commissioners, who he felt convinced would discharge their duty fairly, effectively, and justly.

Lord *Clements* agreed with the hon. Member for Liskeard, that there was a difference between the circumstances of the two countries, at the same time there would be also found many points of similarity. The same law might be good for both countries, although governed by different principles. He thought that the assistant commissioner would be able to attend to the duties required under the bill, and give every necessary information.

Mr. *Lucas* was of opinion, that in order to prevent delay by the transmitting of information and communications to London, there should be a permanent board in Dublin; but that board should be removed from all Irish prejudices. Indeed he had no desire to try Irish boards again. English Commissioners could very well carry on the operations of the bill; and he confessed that he should rather trust to the ignorance of an English board, leaving them to the chance of acquiring the necessary information, than to establish two boards, and one of these liable to be acted upon by local prejudices.

Mr. *O'Connell* conceived it to be a great defect in the bill that the working of it should be carried on at Somerset-house, or else that a Commissioner should be appointed to attend in Dublin, who would have to inform himself upon all local circumstances. He apprehended that every part of the bill would be found to be full of these defects, which he wished hon. Members would consider when considering the bill altogether. He would propose an amendment at the present stage, but that it would not correspond with the working out of a bill of the kind—a bill founded upon the abuses of the English system, which created a pauper population of a particular kind, shrinking from work, and throwing themselves on the parish. In Ireland there was no such shrinking; the labouring classes were most anxious to procure wages to live upon. It was known to all England that they walked to the remotest part of it in order to earn wages, and it might therefore be readily supposed that they would earn them at home if they could. The English Poor-law served as a kind of screw upon the English labourer who wished to be idle; the Irishman required no such stimulant, and yet the same principle was applied to both. The hon. and learned Gentleman moved as an amendment to the first clause, that instead of the words "the Poor-law Commissioners for the time being shall be the Commissioners to carry this Act into execution," these words be inserted—that "the Poor-law Commissioners for Ireland be the Commissioners to carry this act into execution."

The Committee divided on the original motion:—Ayes 117; Noes 23: Majority 94.

List of the Ayes.

Acland, T. D.
Adare, Viscount
Aglionby, Major
Alsager, Captain
Alston, R.
Bailey, J.
Baines, E.
Baker, E.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Benett, J.
Bentinck, Lord G.
Bewes, T.
Blackstone, W. S.
Blair, James
Blake, W. J.
Bolling, W.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Burr, H.
Burroughes, H. N.
Busfield, W.
Chapman, Sir M. L.
Chute, W. L. W.
Clements, Viscount
Clive, hon. R. H.
Cole, Viscount
Collier, J.
Coote, Sir C. H.
Corry, hon. H.
Dalmeny, Lord
Darby, G.
Davies, Colonel
Duckworth, S.
Duncan, Viscount
Ellis, J.
Evans, W.
Ferguson, Sir R. A.
Finch, F.
Fitzsimon, N.
French, F.
Freshfield, J. W.
Glynne, Sir S. R.
Goulburn, rt. hon. H.
Grattan, J.
Greenaway, C.
Grimsditch, T.
Hall, B.
Hastie, Archibald
Hayes, Sir E.
Heathcote, Sir W.
Hillsborough, Earl of
Hobhouse, T. B.
Hodgson, R.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hutton, R.
Jackson, Sergeant
Jephson, C. D. O.
Jones, T.
Kemble, H.
Knatchbull, right hon. Sir E.
Langdale, hon. C.
Lister, E. C.
Litton, E.
Logan, H.
Lucas, E.
Mactaggart, J.
Maher, J.
Martin, J.
Marton, G.
Moneypenny, T. G.
Morpeth, Viscount
Morris, D.
O'Callaghan, hon. C.
Palmer, G.
Parker, J.
Parnell, rt. hn. Sir. H.
Parrott, J.
Pease, J.
Perceval, Colonel
Philips, G. R.
Planta, right hon. J.
Plumptre, J. P.
Rice, E. R.
Rickford, W.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Salwey, Colonel
Sandon, Viscount
Sanford, E. A.
Scrope, G. P.
Shaw, right hon. F.
Speirs, A.
Stansfield, W. R. C.
Stuart, V.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thomson, rt. hn. C. P.
Trench, Sir F.
Tufnell, H.
Turner, E.
Vere, Sir C. B.
Verner, Colonel
Vivian, Major C.
Vivian, J. E.
Vivian, right hon. Sir R. H.
Winnington, T. E.
Wood, G. W.
Wrightson, W. B.
Young, J.

TELLERS.
Rolfe, Sir R.
Troubridge, Sir E. A.

List of the Noes.

Blake, M. J.
Brabazon, Sir W.
Bridgman, H.
Buller, C.
Butler, hon. Colonel
Callaghan, D.
Chester, H.
Evans, G.
Gibson, J.
Grattan, H.
Johnston, General
Leader, J. T.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, M. J.
O'Conor, Don
Power, J.
Pryme, G.

Redington, T. N.
Roche, W.
Somerville, Sir W. M.
Westenra, hon. H. R.
Yates, J. A.

TELLERS.
O'Connell, D.
Beamish, F. B.

Clause agreed to.

On the 12th Clause, which provides, that assistant commissioners may examine on oath or on declaration,

Mr. *Goulburn* observed, that this clause left to a witness called before the assistant commissioner the option whether he would be examined on oath or not. Now, if two witnesses were examined, one on oath and the other not on oath, he thought that the Committee would know which of the two witnesses would be most credited. The assistant commissioner in the English Poor-law Bill had power to examine a witness on oath or on his declaration, according to his discretion. Why did this bill differ from the English bill, in leaving the option with the witness instead of leaving it with the assistant commissioner?

Viscount *Morpeth* said, that the discretion had been left with the assistant commissioner, because the current of legislation for some years back had run in favour of dispensing, as far as possible, with the administration of oaths. Whether the witness gave his evidence on his oath or on his declaration, he would be equally liable, in case his evidence were false, to the penalties of perjury.

Mr. *Goulburn* thought the answer of the noble Lord anything but satisfactory. He thought that it would be far better to leave the option with the assistant commissioner than with the witnesses.

Mr. *O'Connell* thought the best way of amending the clause would be to abolish the oath altogether, and allow of no other form of giving evidence than upon a declaration. He moved that the words "upon oath," be omitted.

Sir *E. Sugden* said, it surely ought not to be attempted to alter the existing laws relative to the obligation of taking oaths, or making a declaration by a sidewind. What he would propose was, not to take away or to extend the obligations, but to leave it just as the law now stood. This was not the fitting occasion to settle such a question.

Sir *Robert Peel* said, they were now, on the 12th clause, discussing a point which ought to have been raised on the second reading. He could not advise the application of the principles of the English Poor-law to Ireland, because he thought that, as far as regarded this question, they were completely erroneous. In certain cases, parties summoned to give evidence before Courts of Justice were exempted from taking an oath, but the English Poor-law empowered the assistant Commissioners to impose an oath, and if the witness declined to take it, to reject his testimony. It was unadvisable, in his opinion, to have one rule with respect to the validity of testimony in Courts of Justice, and a different rule regarding that given before the Poor-law Commissioners. If it were left to the conscience of the party to determine by what sanction he was to be bound in the one case, the same course ought to be taken in the other. The question regarding the validity of testimony ought to be reserved for separate consideration, and by far the best course would be to allow all who in Ireland were exempted from taking an oath before Courts of Justice to make a declaration before the Commissioners.

Mr. *O'Connell* remarked, that the House had already acted on the principle of abolishing superfluous oaths, in the case of Excise and Custom-house oaths, and of the oaths formerly taken by persons receiving half-pay. He was perfectly prepared to go the length of abolishing oaths in all civil cases heard before the courts, and he thought the security of a declaration amply sufficient in the present instance.

Viscount *Howick* felt himself compelled to resist the amendment of the hon. and learned Member for Dublin (Mr. O'Connell), from the inconvenience to which it would lead. Whatever opinions he might entertain about the desirableness or expediency of abolishing unnecessary oaths, he thought that that object could only be effected by a separate and express Bill. It would be highly inconvenient that the power proposed to be granted to the Commissioners to examine on oath should be withheld.

The Committee divided on the original clause:—Ayes 148; Noes 77; Majority 71.

List of the AYES.

Acland, T. D.
Alexander, Viscount
Alsager, Captain
Alston, R.
Archbold, R.
Attwood, W.
Bagge, W.
Bailey, J.

Baker, E.
Baring, F. T.
Barrington, Viscount
Barron, H. W.
Bateman, J.
Bellew, R. M.
Benett, J.
Bentinck, Lord G.
Blackstone, W. S.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Bolling, W.
Broadley, H.
Buller, Sir J. Y.
Burdett, Sir F.
Burr, H.
Burroughes, H. N.
Busfield, W.
Chetwynd, Major
Chisholm, A. W.
Christopher, R. A.
Chute, W. L. W.
Clements, Viscount
Clive, hon. R. H.
Cole, Viscount
Compton, H. C.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Currie, R.
Curry, W.
Dalmeney, Lord
Darby, G.
Douglas, Sir C. E.
Dowdeswell, W.
Dundas, hon. J. C.
Egerton, Sir P.
Ellis, J.
Feilden, W.
Fort, J.
Gibson, T.
Glynn, Sir S. R.
Gordon, hon. Captain
Goring, H D.
Goulburn, rt. hon. H.
Grattan, J.
Greenaway, C.
Grey, Sir G.
Grimsditch, T.
Halse, J.
Hastie, A.
Hayes, Sir E.
Hayter, W. G.
Hinde, J. H.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Holmes, hon. W. A'C.
Hope, G. W.
Houstoun, G.
Howard, F. J.
Howick, Viscount
Hughes, W. B.
Jackson, Sergeant
James, Sir W. C.
Jolliffe, Sir W.
Jones, W.
Jones, T.
Kemble, H.
Knatchbull, hn. Sir E.
Lambton, H.
Liddell, hon. H. T.
Litton, E.
Lockhart, A. M.
Logan, H.
Lucas, E.
Lygon, hon. General
Macleod, R.
Marsland, T.
Master, T. W. C.
Maunsell, T. P.
Mildmay, P. St. J.
Miles, W.
Monypenny, T. G.
Mordaunt, Sir J.
Morpeth, Viscount
Morris, D.
O'Callaghan, hon. C.
Packe, C. W.
Pakington, J. S.
Parker, J.
Parker, M.
Parker, R. T.
Parnell, rt. hon Sir H.
Parrott, J.
Patten, J. W.
Peel, right hon. Sir R.
Perceval, Colonel
Philipps, Sir R.
Philips, M.
Phillpotts, J.
Planta, right hon. J.
Plumptre, J. P.
Pringle, A.
Rice, rt. hon. T. S.
Richards, R.
Rickford, W.
Rose, right hon. Sir G
Rushbrooke, Colonel.
Sanderson, R.
Sandon, Viscount
Sandford, E. A.
Scrope, G. P.
Shaw, right hon. F.
Sheppard, T.
Sinclair, Sir G.
Stanley, E. J.
Stanley, W. O.
Stansfield, W. R. C.
Stuart, H.
Stuart, Lord J.
Stuart, V.
Sugden, rit. hn. Sir E.
Talbot, C. R. M.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Tollemache, F. J.
Trench, Sir F.
Verner, Colonel
Vivian, Major C.
Vivian, rt. hn. Sir R. H.
Walker, R.
White, L.
Whitmore, T. C.
Wilkins, W.
Winnington, T. E.
Woulfe, Sergeant
Young, J.

TELLERS.

Adams, Sir C.
The Solicitor-General

List of the NOES.

Aglionby, Major
Barry, G. S.
Beamish, F. B.
Berkeley, hon. H.
Blewitt, R. J.
Bodkin, J. J.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Byng, right hon. G. S.
Callaghan, D.
Chapman, Sir M.L.C.
Chester, H.
Collier, J.
Collins, W.
Divett, E.
Duke, Sir J.
Dundas, F.
Dundas, hon. T.
Ebrington, Viscount
Evans, W.
Ferguson, Sir R. A.
Fitzgibbon, hon. Col.
Fitzsimon, N.
Gibson, J.
Grattan, H.
Hindley, C.
Howard, P. H.
Hutton, R.
Jephson, C. D. O.
Johnston, General
Kinnaird, hon. A. F.
Langdale, hon. C.
Lefevre, C. S.
Lister, E. C.
Maher, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, W. H.
Muskett, G. A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Pease, I.
Power, J.
Redington, T. N.
Rice, E. R.
Roche, W.
Salwey, Colonel
Seymour, Lord
Smith, R. V.
Somerville, Sir W. M.
Stuart, J.
Strutt, E.
Style, Sir C.
Talbot, J. H.
Tuffnell, H.
Turner, E.
Vigors, N. A.
Walker, C. A.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, S.
Williams, W.
Wood, G. W.
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.

O'Connell, D.
Hume, J.

Clause agreed to.

On the 15th clause, which provides for the formation of unions,

Mr. *S. O'Brien* said, that this was a very important clause. It gave the commissioners power to throw into one union any amount of territory, or of population, they might choose. They might include a whole province in one union. He thought that some limit ought to be placed on this power.

Viscount *Morpeth* said, that the question of the size of the unions had been discussed very much last year, and it had been considered very seriously whether it was possible to adopt any limitation. It was felt, after much consideration, that any limitation or restriction would probably very much shackle the beneficial operation of the Bill. To a certain degree the Bill was an experiment, and he thought that at first the Commissioners ought to be allowed to exercise their own discretion.

Captain *W. D. Dundas* said, that from his experience of the working of the new Poor-law in England, he could state, that large unions had been found very inconvenient. He thought that there ought to be some limit to the unions.

Mr. Sergeant *Woulfe* said, that no doubt the unions ought not to go beyond a certain extent, but the circumstances of locality must and ought to affect the extent of every union, and it would be impossible to make any general rule upon the subject.

Mr. *O'Connell* said, that in the bill of last year it was provided that the unions should be of such an extent as that no person should be distant more than ten miles from the workhouse. According to the present Bill it was impossible to know how many workhouses there would be, or what distance those persons who sought relief would have to travel before they could reach a work house.

Mr. *Goring* said, that in the English Act it was provided that no parish should be included in a union which was distant more than ten miles from the union workhouse, and that provision was found to work well. He should wish to place some specific restrictions on the size of the unions, and in order to do so he would move as an amendment, "That no parish should be included in a union if it were more than eight Irish miles distant from the union workhouse.

Viscount *Howick* said, that in his own county some of the unions were very large; and, indeed, it would be utterly impossible in some instances to limit them without great inconvenience.

Sir *Robert Peel* was of opinion that it would be most unwise to confine the powers of the Commissioners within too narrow limits. If the unions that were at first established were found to work well, nothing would be more easy than to extend them. He considered it an objectionable provision that in every instance the workhouse should be erected in the immediate vicinity of popular towns.

Mr. *O'Connell* was persuaded that though the Government introduced this Bill for the purpose of conferring a benefit on Ireland, they had not estimated the expense of erecting these union workhouses. He thought the expense would be twice or three times as much as what was calculated upon. It was last year said that one hundred workhouses would be sufficient. Did any one now imagine that number would be sufficient? It was easy to begin with a limited number of workhouses in England, because where they were not established parochial relief was continued. But what would be the case in Ireland? The workhouses would not be sufficient to afford adequate relief, whereas the belief would exist that a right to relief was secured from the imposition of taxation. If they were to have Poor-laws in Ireland let them be established simultaneously, their expense estimated, and relief be placed within the reach of every individual.

Amendment withdrawn. Clause agreed to.

The House resumed. The Committee to sit again.

HOUSE OF LORDS,

Tuesday, February 13, 1838.

Minutes.] Bill. Read a first time:—Banking Co-partnership.

Petitions presented. By the Earl of Durham, from Hull, Sunderland, Dumfries, and Hammersmith, in favour of the Ballot.—By Earl Stanhope, from Huddersfield, for a remission of the sentence of the Glasgow Cotton-spinners.—By Lord Rayleigh, from Whitham, by the Marquess of Lansdowne, from Chipping Wycombe, and by the Earl of Ilchester from Bridgewater and Langport, for the abolition of Negro Apprenticeship.—By the Earl of Ilchester, from the Guardians of the poor of Axbridge, for an alteration in the Beer Acts.

HOUSE OF COMMONS,

Tuesday, February 13, 1838.

Minutes.] Bills. Read a first time:—Exchequer Bills; Transfer of Aid.—Read a third time:—Custody of Insane Persons.

Petitions presented. By Mr. Halford, from Leicester, for an alteration in the New Poor-law.—By Mr. Hollond, from Hastings, and Mr. Parker, from Sheffield, for Vote by Ballot.—By Lord Clements, from several places in Ireland for the total abolition of Tithes.—By Mr. Ward, from Sheffield, for inquiry why the Dorchester Labourers have not returned to England.—By Mr. A. Sanford, from Somersetshire, for the abolition of Negro Apprenticeship.

Pontefract Election.] Mr. *Ward*

had to present a petition from Sir Culling Smith, who stated that he was a candidate at the last election for the borough of Pontefract, and that it had long been the practice with the candidates for that borough to give to the voters, after the election had been decided, 3*l.* each, which was commonly known by the name of head-money. Sir Culling Smith then went on to state, that, at the election in 1830, he had complied with that custom; but that, from the year 1835 down to the last election, he had resisted it, being determined, if returned at all, to be returned upon a purer system. The result was what his friends told him it would be—his defeat. Sir Culling Smith regarded this as a personal grievance, having had to maintain an unequal contest with those who were less scrupulous. He determined, therefore, to bring it under the consideration of the House. With that view he had prepared the present petition, which prayed that the House would be pleased to appoint a Select Committee, before which he (Sir Culling Smith) might be allowed to enter into an investigation of the practices which prevailed at the elections for Pontefract, with the view of introducing into that borough household suffrage and the vote by ballot, as the only remedy for the abuses which at present existed. Having thus stated the substance of the petition, he (Mr. Ward) had now only to move that it be laid on the Table, be printed in the votes, and be taken into consideration that day fortnight.

Mr. *Milnes* said, that if he were anxious to bring forward reasons why this petition should not be presented at all—if he were anxious to prevent such a petition from appearing upon the journals of the House, he believed it would be no difficult task; but he proposed acquiescing in the prayer of the petition, at the same time asking permission of the House to offer a very few remarks upon its character and nature. He, for one, could have no objection to the fullest inquiry upon the subject, remaining secure and satisfied upon the simple fact that he individually had not given any head-money. He begged the House to remark, that this petition came forward under two aspects; in one point of view it was to be regarded as bringing large and wholesale allegations against the constituency which he had the honour to represent, and in the other, it was to be viewed as one of those petitions against the Reform Bill which emanated so very freely from the Ministerial side of the House. The House was perfectly aware that the Reform Act reserved a life interest to the scot and lot voters. The voters of that class in the borough of Pontefract had been reduced since the passing of the Reform Act from 800 to less than 400; and it was upon that point that the petition just presented was so insidiously and unjustly silent. Any body who heard the allegations of that petition not knowing the fact, would suppose, that the whole of the constituency of Pontefract had received head-money. One of the allegations advanced by the petitioner was, that he had lost his election in consequence of refusing to give head-money.

The *Speaker* reminded the hon. Member that the present could not be regarded as a convenient time upon which to enter into the merits of the question, especially as a day had been appointed, by the hon. Member by whom the petition was presented for taking it into consideration.

Mr. *Milnes* felt very much the inconvenience of troubling the House at that moment; but, at the same time, he did not like that a petition of that kind should go abroad upon the journals of the House without some means being afforded to the public of coming to a right understanding of its character and nature. As the best apology he could offer for trespassing upon the patience of the House at all, he would endeavour to confine his remarks to within the narrowest possible limits. Sir Culling Smith declared that his election failed because he did not give head-money; but he could tell the House why and how it was that Sir Culling Smith failed. Sir Culling Smith first went down to Pontefract under Conservative banners and professing Conservative principles, and he was then elected. In 1835 he attempted the same thing under Radical banners and professing Radical principles, and, therefore, as was very natural, was not elected. Whatever course might be taken, whether head-money were given or not, it was impossible that any two persons, professing Radical principles could ever become the representatives of the borough of Pontefract. He would reserve himself, however, until the day appointed by the hon. Member for Sheffield, when the question would be brought forward in a regular and formal manner.

Petition laid on the Table, ordered to be printed, and to be taken into further consideration on the 27th of February.

SLIGO ELECTION.] Mr. *Fitzstephen French*, in bringing forward the motion of which he had last night given notice, would only detain the House by laying before them the precedents which, on searching the journals he had found, and which appeared to him to prove, that both before and since the passing of the Grenville Act, it had been the uniform practice of the House to reject all petitions which were not duly subscribed by the petitioners. It might be considered by some Members unnecessary for him to refer further back than the 10th of George 3d; but there were reasons connected with the ulterior steps which it might be necessary to take in this case, which made him anxious the House should be in possession of all the cases which appeared to him similar, and on which the House had already decided. Three petitions had been presented to the House, complaining of an undue election for the borough of Sligo; these petitions severally purported to be signed by John Wood, James Winterscale, and Robert George Tyler. The signature of Tyler to two of these petitions appeared to be written by the same hand; but his name to the third petition, which was the only one on which recognizances had been entered, appeared to be written in a different hand. The sitting Member was prepared with evidence to prove, first, that Tyler asserted he had only signed two petitions; and secondly, to prove by the evidence of persons well acquainted with his handwriting that the signature to the petition now before the House, and purporting to be his, had not been written by him. The House of Commons by its resolution of 1689, had declared that all petitions presented to it, ought to be signed by the petitioners with their hands or marks, and he would show by the precedents he held in his hand that where this was not the case, the House steadily adhered to its resolution and invariably rejected the petitions; that where any doubt existed as to the authenticity of the signature before the Grenville Act, the matter was referred to the Committee of privileges and elections, to inquire into and report thereon, or else evidence was heard at the bar: and that since the passing of the Grenville Act, if the signatures being authentic were a matter of doubt, a Select Committee was appointed to investigate the truth, and report their opinion to the House. The precedents upon which he relied, and to which he begged to call the attention of the House, were as follow:—On the 12th of May, 1628, the 4th year of the reign of Charles the 1st, it was recorded in the journals of the House that "Mr. Burgess sendeth in a petition, but it being not signed, the House signifieth to him that brought it, (by the Sergeant), that they would not meddle with it in that respect." On the 14th day of November, 1689, the first year of the reign of William and Mary, a petition of the bailiffs, wardens, and assistants of the Company of Weavers of London, was presented to the House and read, setting forth that certain persons had lately presented a petition to the House, and the weavers whose names were thereunto subscribed, had declared that they never subscribed the same, and praying to be heard before any proceedings should be had upon the said petition. It appeared that the petition objected to had been a short time previously presented to the House, and purported to be a petition of Abraham Lovenne and others, whose names were thereunto subscribed, but on examination it was found that the names to the said petition appeared to be written by the same hand; and Lovenne, when examined at the bar of the House, acknowledged that they were written by a scrivener, under his directions, but he endeavoured to justify himself by asserting that he had directions from the persons whose names were thereunto subscribed to put their names down. Upon this a debate arose, and the House unanimously passed the following resolution; viz., "That all petitions presented to the House ought to be signed by the petitioners with their own hands by their names or marks." And the petition was delivered back to Lovenne. On the 3d of March, 1713, a petition of Theophilus Oglethorp, Esq., was presented to the House, and read, setting forth that at the (then) last election for the borough of Haslemere, in the county of Surrey, the petitioner was duly elected, but in wrong of petitioner, that Thomas Onslow, Esq., was, by means of bribery, &c., unduly returned to serve in Parliament for the said borough. The House being informed that it was not believed that the said Theophilus Oglethorp did or could sign the said petition, as he ought to have done, he being abroad beyond the seas, and it appearing to have been delivered to the clerk of the House soon after the election for the said borough by one Mr. Orby; it was ordered "that the petition do lie on the table, and that Mr. Orby do attend at the bar of the House." Mr. Orby did attend accordingly, and was examined at the bar, and acknowledged that he had delivered the petition to the clerk of the House, declaring that he had received it from Lady Oglethorp to be delivered, but that he knew nothing as to the signing of such petition. And such petition not appearing to have been signed by Mr. Oglethorp, it was resolved without a division that it be rejected. On the 9th of March in the same year the House was informed that a petition of Colonel John Erskine, which had been a short time before presented to the House, complaining of an undue election and return for the Borough of Stirling, Culross, Dunfermline, Inverkeithing, and Queensferry, was not signed by the petitioner. It was, he presumed, known to every Member of the House, that at this period, although it was occasionally ordered that petitions complaining of undue elections and returns should be heard at the bar of the House, yet they were generally tried by a Committee called "A Committee of Privileges and Elections," appointed at the commencement of each Session, and consisting of certain Members of the House specially named for that purpose, but with a proviso that all Members who came to any such trial should have voices. The Committee, upon hearing the evidence, came to certain resolutions touching the disputed election, which were laid before the House with their report, and upon which the House afterwards decided. The last-mentioned petition of Colonel J. Erskine had been referred to this Committee, but upon being informed that it was not signed by him, the House ordered "that it be an instruction to the Committee of Privileges and Elections, before they proceed on the said petition, that they do examine into the manner of signing the same." The Committee, after having examined all the parties connected with the petition, reported accordingly to the House "that the said Colonel John Erskine did not sign the said petition, but that he had given authority to have his name subscribed thereto." On the 6th of May following, it was unanimously ordered by the House, "that the petition of Colonel John Erskine be discharged, the same not having been signed by the petitioner." On the 12th of March in the same year (1713) the House was informed that the petition of James Barry, Earl of Barrymore, in the kingdom of Ireland, which had been presented to the House, complaining of an undue election and return for the borough of Wigan, in the county of Lancaster, was not signed by the petitioner. The House, thereupon ordered "that it be an instruction to the Committee of Privileges and Elections (to whom the said petition had been referred), that, before they proceed on the said petition, they do examine into the manner of signing the same." The Committee reported, "that, in pursuance of their instructions from the House, they had examined Edward Harvey, esq., who had delivered the petition, and also the petitioner, the Earl of Barrymore; and it appeared, that his Lordship had given Mr. Harvey authority to set his name to the petition; and that his Lordship had declared, that he owned the petition, and was ready to proceed upon it." After this report had been read in the House, a motion was made "That the Committee of Privileges and Elections be discharged from proceeding upon the said petition." Two amendments to this were proposed and acceded to by the House; the first, that the following words be added, viz., "the said petition not having been signed by the said Earl himself;" and the second, that a further addition be made of these words, viz., "but having been signed by the order of the said Earl, and owned by him." The motion, so amended, having been put, the question was carried, that the Committee of Privileges and Elections be discharged from proceeding upon the petition of the Earl of Barrymore. A second motion was made, that the Earl of Barrymore be at liberty to present a new petition, signed by himself, and containing the same allegations which were contained in the former petition, and no other; which motion was negatived by a large majority. On the 13th of April, 1735, the eighth year of the reign of George 2nd, a petition of certain persons, inhabitants and free burgesses of the city of Bristol, was presented to the House and read, setting forth that they had heard with great surprise, that a petition had been presented to the House complaining of the return of John Coster, esq., to serve in Parliament for that city, and that their names appeared subscribed to that petition, although they never signed it, nor authorised any one so to do. It was thereupon ordered by the House, that the matter of such petition be heard at the bar. It was so heard accordingly; and on the 22nd of the same month of April, it was ordered by the House, without a division, that the petition complained of might be withdrawn, and the order which had been previously made for the hearing of the said petition was discharged. On the 2nd of December, 1742, the 16th year of the reign of George 2nd, the House being informed that the petition of Nicholas Robinson, esq., complaining of an undue election and return for the borough of Wotton Basset, in the county of Wilts, presented to the House on the preceding Tuesday, and referred to the Committee of Privileges and Elections, was not signed by the petitioner, it was ordered "that it be an instruction to the said Committee, that before they proceed on the said petition they do examine into the manner of signing the same, and make report thereof to the House." On the 10th of the same month, it was ordered by the House, that Nicholas Robinson, esq., be at liberty to withdraw his petition. It would be tedious to multiply examples; but from the precedents he had quoted, and which were taken from the Journals of the House of Commons, it would be obvious that the House, before the passing of the Grenville Act (10 George 3rd), steadily acted on its resolution of the 14th of November, 1689, and rejected all petitions which were not signed by the petitioners; and when any doubt existed as to the authenticity of the signatures, the House either referred the matter to the Committee of Privileges and Elections, to report thereon, or received evidence at the bar. Since the passing of the Grenville Act, a more stringent enforcement of the law of Parliament with respect to the signing of petitions presented to the House had prevailed, based on a resolution of the House of the 2nd of June, 1774, which declared the setting the name of any person to any petition presented to the House by any other person to be a breach of privilege. And when any doubt had arisen as to the authenticity of the signatures, it had since been the practice of the House to appoint a Select Committee to take evidence as to the facts, and report thereon to the House; a change which had been rendered necessary by there being no longer any standing tribunal for the trial of election petitions, to which, as before the passing of the Grenville Act, the question might be referred. On the 28th of February, 1774, the 14th year of the reign of George 3rd, a petition was presented to the House from the mayor, aldermen, and burgesses of Barnstaple, for leave to bring in a bill for building a market-house in that borough, and for other purposes. On the 9th day of March following a petition was presented to the House purporting to be from the merchants, tradesmen, and freeholders of the said borough, praying to be heard against such Bill. On the 16th day of May following, a petition was presented to the House from several persons, whose names appeared to be subscribed to the last-mentioned petition, and declaring the same to be without their knowledge. It was referred to a Select Committee, thereupon appointed to investigate the matter and report thereon to the House. On the 2nd June following the Select Committee reported "that the names of several persons to the petition objected to were not subscribed by them, but were set thereto by others without their authority, privity, or consent." The resolution of the 14th November, 1689, was then read, and the House unanimously resolved, "That it is highly unwarrantable and a breach of the privilege of this House for any person to set the name of any other person to any petition to be presented to this House." On the 3rd of June, 1784, the 24th year of the reign of George 3rd, a petition, complaining of the election and return of Matthew Bricklade, esq., for the city of Bristol, appearing to consist of two pieces of paper pinned together, on one of which papers the petition was written, and on the other the petitioners' names, the same was stated by Mr. Speaker to the House; and the Member who delivered the petition in at the table having informed the House, that, upon inquiry, he had found, that the names were written on the paper on which they appeared before it was pinned to the petition itself, and that the petition had not been signed as required by the orders of the House, it was directed by the House, that the said petition be re-delivered to the Member who gave it in, which was done accordingly. On the 1st of June, 1809, the 49th year of the reign of George the 3rd, a petition of several noblemen, gentlemen, clergy, and freeholders of the county of Cavan, in Ireland, was presented and read, complaining of the inadequacy of the laws for the prevention of illicit distillation and the protection of his Majesty's revenue. And it appearing, that the signatures to the said petition were all in the same handwriting, the said petition was, with leave of the House, withdrawn. On the 28th of January, 1819, the 59th year of the reign of George the 3rd, a petition of John Moxon and others, regarding the case of Robert Christie Burton, esq., a Member of this House, who had claimed the privileges of the House, he having been elected to represent the borough of Beverley whilst in the custody of the warden of the prison of the Court of Common Pleas for debt, was offered to be presented to the House; and it appearing that the said petition was not signed by the petitioners according to the order of the House, but by an agent only, the said petition was not received. On the 1st December, 1826, the 7th year of the reign of George 4th., a petition was presented to the House, purporting to be a petition of certain persons inhabitants of the borough of Athlone, there undersigned, complaining of the undue election and return of Richard Hancock, esq., for the borough of Athlone. On the 14th of March, 1827, the House was moved, that a petition of James Hannan and others, complaining that their names were forged to the above-mentioned petition against the return of Richard Hancock, esq., presented to the House on the preceding day, might be read, and the same being read, it was ordered, "that the said petition be referred to a Select Committee to examine the matter thereof, and to report their opinion thereon to the House." And a Committee was appointed, consisting of Mr. Hancock and twenty-one other Members (five to be a quorum), to whom the petition was ordered to be referred. On the 25th of May following the Select Committee reported, "that certain signatures to the said petition were not the signatures of the persons whose names were thereunto subscribed, and that Thomas Flannagan was privy to and cognisant of the forgery of such names." On the 14th June following, the House was moved, that Thomas Flannagan, being so privy to and cognisant of such forgery, had been guilty of a high breach of the privileges of the House, and that he should be taken into the custody of the Sergeant-at-Arms, which was ordered, and the Speaker's warrant issued accordingly. On the 19th of June he was committed to Newgate. On the 15th November, 1830, the 1st year of the reign of King William 4th, a petition was presented to this House, purporting to be a petition of certain freemen (there undersigned) of the borough of Carrickfergus, complaining of the election and return of Lord George Hill to serve in Parliament for that borough at the then preceding election. On Thursday, the 16th day of December, a petition was presented from Lord George Hill, stating that several of the names subscribed to the said petition against his return were forgeries, and praying for inquiry. It was thereupon ordered, that the petition objected to should be referred to a Select Committee, to examine into the manner of signing the same, and that the said Committee should report their opinion thereon to the House. On the 4th day of February, 1831, the Committee reported, "that fourteen out of thirty signatures to the said petition were forged, and that Hutchinson Posnet and John Morison Eccleston were privy to the forgery of such signatures." On the 22nd of February it was moved "that the House doth agree with the Committee, on the resolution reported on the 4th of February;" and a debate thereon arising, such debate was adjourned until Tuesday, the 8th of March. On the 25th of February the Select Committee appointed to try and determine the merits of the return or election of Lord George Hill reported that the said Lord George Hill was duly elected, and the debate on the forged petition of the freemen was not resumed. He would not detain the House by quoting any further precedents; he thought that the last two he had mentioned were strongly applicable to the present case; and he certainly did not anticipate any opposition from the hon. Baronet, the Member for the University of Oxford, by whom the petition in the Carrickfergus case had been brought under the consideration of the House, nor from several right hon. Gentlemen opposite, by whom the motion of the hon. Baronet was supported. Thanking the House for the patience with which it had listened to him, he would now conclude by moving, that a Select Committee be appointed to inquire into the manner of signing the petition against the return for the borough of Sligo, and to report their opinion thereupon to the House.

Colonel *Perceval* felt it to be his duty to move an amendment to the motion of his hon. Friend, the Member for Roscommon, not for the purpose of stifling inquiry into the allegations of the petition presented by that hon. Gentleman, because he had no doubt whatever of the authenticity of the signatures to the election petition; but he was induced to adopt this course for the purpose of preventing great inconvenience and unnecessary expense to certain parties connected with the case in question. It was, therefore, his intention to move that a witness should be called to the bar of the House and examined on oath, that the House itself might decide as to the course which was proper to be taken after hearing the evidence of that witness. He could not but express his regret that his hon. Friend did not give him a few days' notice of this petition and its contents, because in that case he should have made it his business to produce at the bar of the House the three persons who had signed the petition. It was true that his hon. Friend had told him, more than a week ago, that he would present a petition bearing strongly on the case; but he did not intimate its purport, and he believed that his hon. Friend was not then aware of the subjects of which the petition would treat. He now, therefore, on the part of the petitioners, and as the representative of the county of Sligo, complained that the materials, or purport, or subjects of the petition had not been made known to him before, or he would have secured the attendance of the subscribing petitioners at the bar of the House. He thought he had a right to complain, because now at the eleventh hour, this petition was brought forward for the purpose of stifling investigation into the merits of the election petition. It was now the 13th of February, that this petition, and the motion founded on it, were brought under the consideration of the House, while the order of the day for the ballot for the committee on the original election petition was fixed for Thursday next, the 15th of February. The consequence would be, that if this motion were agreed to, the time must be extended, and the witnesses who had been brought up to town in support of the case of the petitioners, would have to be retained here at a heavy and an unnecessary expense. He was the last man in the House who would attempt to stem the current of fair justice, but he would ask, was it justice to come down at the eleventh hour with such a petition as this, proposing to do that which the House was already fully competent to do if it thought proper? He should be able to satisfy the most scrupulous that the names of Robert George Tyler, John Wood, and James Winterscale, attached to the petition were the genuine signatures of those persons. He should be able to prove that by the evidence of a professional gentleman of Dublin, who was present when the petition was signed, and at whose desk Mr. Tyler signed it. If necessary documentary evidence consisting of letters and other papers could be produced in confirmation of that testimony; under the circumstances of the case, he thought the House could not hesitate to adopt the amendment he would propose, namely, that Mr. John George Moffat be forthwith called to the bar and examined. The witness was a professional gentleman, as he had already stated, and was known and respected by many hon. Members around him. He was in attendance, and ready to be called in to prove the handwriting of the parties.

Mr. *Warburton* was understood to say that the course proposed by the hon. and gallant Member for Sligo was not perhaps the most convenient, and that the party who had denied the authenticity of the signatures was the party who should begin, and who should be prepared with evidence to prove his allegations. If it could be proved that only one of the signatures was genuine, he apprehended that the petition would be valid.

Sir *R. H. Inglis* said, that in the case of the Carrickfergus petition, which had been referred to, the petition which was from the sitting Member, stated that a number of signatures to the petition which had been sent in against his return were forgeries, and prayed the House to inquire into the allegations, and that the petition against his return might be forthwith discharged. The House granted the first prayer, but refused the second. In the present instance, the House was called on to appoint a Select Committee for the purpose of examining into the allegations of the second petition, and to report thereon. Upon that motion his hon. and gallant Friend had proposed a very simple amendment, namely, that a certain individual be called to the bar of the House, who, on being sworn, would give evidence that he saw the petition signed by one of the parties. It was said that evidence could be produced to verify the signatures of all the parties, but proof of the genuineness of one would be sufficient. He saw no reason why the inquiry should be postponed, since the necessary evidence was at hand.

The *Chancellor of the Exchequer* thought, all parties were agreed that the subject matter of the complaint was such that the House was bound to inquire into it, in order to satisfy their own minds. The only question between the hon. and gallant Officer opposite and his hon. Friend behind him, was, as to the mode in which the inquiry should be conducted—whether by an examination at the bar of the House, or by a Select Committee. It remained, then, for the House to say whether it was disposed in matters of this kind to bring more questions under the immediate cognizance of the House, than it had been customary for Parliament to do. It was a better mode, he conceived, to have this subject examined before a Committee, than to call witnesses to the bar of the House. That had been the usual practice. A Committee of five or seven Members would be able to collect the evidence on all the allegations, in a satisfactory manner, and then to report thereon to the House.

Mr. *French* had been informed there was a witness ready to depose that Tyler had told him that he had not signed the petition. If one of the signatures should prove to be spurious, the whole petition would fall to the ground.

Mr. *Goulburn* agreed with an hon. Member opposite, that it was perfectly competent to the Committee under the Grenville Act, to inquire whether a petition had been properly signed or not, and if not signed by the proper parties, they had the remedy in their own hands, and might saddle the offending party with the costs of a frivolous and vexatious petition. He did not wish to interfere and stop a due inquiry into the transaction, but at the same time he was averse from permitting preliminary statements to be made of such a kind as must necessarily to some extent prejudice the deliberations of the Committee. If there were an allegation that the party did not sign, and such a statement or charge of fraud was made a day or two before the merits of the petition came on to be tried, and a Select Committee were granted thereupon, such a course of proceeding must inevitably tend to postpone the petition inquiry, and would virtually operate to repeal the Grenville Act. If the Select Committee were to wait for witnesses from Ireland, they might have to morrow an application for the postponement of the election petition, instead of a resolution of the committee, unless it was understood that the proceeding of the Select Committee should not interfere with the Committee appointed to try the merits of the petition.

The *Attorney-General* was disposed to agree with the right hon. Gentleman, that election petitions should not be impeded by useless delay, and that the petitioner ought to be able to make out his case before the ballot took place, as otherwise the order to take the petition into consideration might have to be discharged.

Sir *R. Peel* said, that in the present instance, the House should not devolve its powers of inquiry upon a Select Committee. The facts of the case were these:—a petition stood over for consideration on Thursday next, the day after to-morrow. A petition was presented on the Tuesday, two days before the ballot should take place, the hon. Gentleman who presented it having ten days ago intimated to the sitting Member that a petition would be presented, but not having stated what that petition was. Two days before the Committee is to be nominated, the hon. Member presents this petition, alleging that he is prepared to prove that one of the signatures to the original petition complaining of an undue return is not authentic, and that he has reason to believe that the two other signatures are also not authentic, but that one signature at least is not so he is prepared to prove. The inquiry must, therefore, be brought to a close to-morrow, because the Committee will be ballotted for on Thursday. Let the House beware of establishing as a precedent the instituting of a preliminary inquiry, which may possibly have the effect of rendering it impossible for the Election Committee to proceed with their inquiries, or at least oblige them to postpone their inquiries for an indefinite time. The Select Committee may entertain doubts—they may wish to consult the House. He thought it better that the evidence should not be brought on that evening, because the sitting Member may probably not be ready with his witnesses, but that it should stand over till to-morrow, in order to place both parties in an equal situation. If the election had stood over till Thursday week, then no inconvenience could arise from appointing a Select Committee. As time was pressing, it was of great importance that the House itself should proceed with the inquiry, as being better able to form a judgment than the Select Committee. The willingness of the House to entertain the question would be more likely to guard against the inconvenience of presenting petitions of such a kind just before the ballot. If he heard from the chair the House was competent to do so, it would be satisfactory to him. If, however, there was any doubt upon the subject, his impression was, that they ought to-morrow to proceed with the matter.

Mr. *O'Connell* said, that Mr. Moffat, being one of the sureties, could not be examined before the Select Committee. By referring it to a Select Committee, they would therefore be depriving the sitting Member of his evidence. He thought it would be more convenient to follow the course recommended by the right hon. Baronet opposite, and examine the witnesses to-morrow. At the same time, he wished, that Gentlemen would endeavour to satisfy themselves by an inspection of the signatures. He did not know himself in which of the petitions the signature was disputed, as three of them appeared to be in the same character and handwriting.

Amendment and original motion withdrawn. Witnesses to be examined at the bar on the following day.

OCCUPATION OF ALGIERS.] Sir *Samuel Whalley* rose to move for an address to be presented to her Majesty for a copy of the correspondence between England and France relative to the occupation of Algiers by the latter power. He hoped the House would support him in his endeavour to obtain the information which appeared to him to be required. He would ask the noble Lord, the Secretary for Foreign Affairs, whether he was prepared to lay that information before the House? When the Duke of Wellington was, in 1830, Secretary for Foreign Affairs, he stated that the Government was in communication with the French Government upon the subject, and that the most satisfactory explanations, and such as this country had a right to expect, were given; and he trusted that the House would call upon her Majesty's Government to communicate to hon. Members the nature of these explanations. He, for one, viewed with no jealousy the possession of Algiers by the Government of France; he saw with pleasure the seeds of civilisation sown on the barren sands of Africa; he was delighted to see Algiers freed from the corsair band which for upwards of three centuries had filled that country; but still France ought to give some security to the commercial interests of this country that in the suppression of the piratical state of Algiers, the kingdom of France had no view of national aggrandisement, and that it had conquered that country, acting only on the large and comprehensive idea of relieving the distressed, and supporting the great cause of humanity. Undoubtedly, the first conquest of that country was undertaken on those large and liberal grounds, but he regretted to say, that, in his opinion, the cause of humanity had been rather retarded than advanced by the result. He had conceived from what had been stated, that France had promised to consult with the other great powers of Europe on the mode of occupation of the colony, but no such consultation had taken place, and the French had proceeded to deal with their conquest as they thought fit. For his own part, during a period of peace, he would much rather that France should possess Algiers than that it should be allowed to remain as a piratical state; and some hon. Members would, he knew, go one step further, and be quite willing that the whole coast of Africa should be given up to the possession of the French. To that length he, however, was not prepared to go. They could not expect that France would relinquish the colony after the lavish expenditure of blood and money which had taken place there, but still they had a right to ascertain that there was to be no war of aggrandisement, and he trusted that Ministers would lay on the table the communications which had in 1830 been made on this point. Not only ought her Majesty's Government to let the House know what were the expressions with which the noble Duke had stated himself to be fully satisfied, but he hoped that the Secretary for Foreigh Affairs would go further, and state what communications had taken place between this country and France since that period. The conquest of Algiers had opened a new and enlarged channel for commerce, and this might be valuable in the time of peace; but in case of a war he doubted whether it would be for the general good that France should retain its possessions on the coast of Africa. He knew when Lord Exmouth's expedition was sent out much doubt existed in the minds of military men as to the strength of Algiers, some thought that it would require an expedition of great magnitude to conquer that town, whilst others undervalued the natural advantages of its position. He believed that the Government of that day and Lord Exmouth steered a middle course, and were successful; but it must also be recollected that his Lordship was, in his expedition, greatly favoured by the elements, and it was the opinion of many able men that if the elements did not favour an attacking party, it was a place of great strength. They all knew that unsuccessful expeditions had been seven times sent out by Spain against it. He thought, therefore, that it was not a matter of indifference to this country as to the persons who held possession of it; for, though the harbour and the town might be of no great value, yet there were many perfectly secure harbours on the coast, from which might issue, during a time of war, vessels with letters of marque even more dangerous to commerce than the piracies which had been previously committed under the Algerine flag. He was more anxious upon this subject because, since he had had the honour of a seat in that House, although he had been able to give only a qualified support to her Majesty's Ministers, he had the good fortune entirely to concur in their foreign policy. It behoved him also, at that period, to bring forward the question, because the subject had been discussed in the French Chamber of Deputies, and expressions had been there used which ought not to pass unnoticed. In the speech of the King of the French, in opening the Chambers, he found described in glowing terms the glorious success of the French forces before Constantina. He was not surprised at the use of such terms of praise by a monarch to a gallant nation on such an event; but then his Majesty added, that "the success would show to the natives the inutility of further resistance." He ought not, however, to infer from this presumed inutility of resistance, that the King of the French did not intend to continue active military measures. The President of the Council, in moving the address, had said more distinctly, "we are, as it were, but beginning in Africa;" and though this expression had been afterwards somewhat softened down, and it had been said, that he meant only a beginning of civilisation, yet the two speeches taken together showed a design to continue the present system of warfare. He was far from thinking that France should be called upon to relinquish her possession, but he would rather hope that it would induce this country to cultivate friendly relations, not only between the governments, but also between the people of the two countries, and it was peculiarly necessary for those who sat on that side of the House, and who advocated liberal opinions, to assist in the spread of liberty over the world, and for this purpose they should call in aid of the good cause a nation so far advanced as was France. Still, however, the French did not as yet set so high a value on commerce as did the English; they were more strongly imbued with military ardour, and the colony would, perhaps, act as a safety valve for the military genius of that country. But it was not the interest of the French to engage in a war of aggression against the natives of Africa, and he hoped that they would discover the value of cultivating the arts of peace, and of rendering their administration rather happy than glorious; that they would promote the cultivation of commerce and the arts; and if, after full consideration, France should still wish to retain her possessions in Africa, that she would endeavour to found an empire in which her sway would be preserved more through the kind feelings of the natives in favour of the arts, of commerce, and of general acts of beneficence, than by the force of arms. He moved "an address to the Crown, praying for a copy of the correspondence between the Governments of England and France relative to the occupation of Algiers."

Mr. *A. Mackinnon:* I consider this question, Sir, to be one of very great importance. The sentiments of the country are not yet pronounced on the subject, and there can be no doubt, that the opinions given in this House will go abroad, and may have considerable influence on the community, enabling the public mind to come to a decision on a question which has, in fact, been dormant, with the exception of occasional remarks in the public papers—remarks, however, which have not drawn from the public much attention. In the year 1833, a discussion took place on the Algerine occupation by the French troops, in the House of Lords, and some papers were moved for and granted by that House. The debate, however, did not enter into the merits of the case. In the Chambers of Peers and Deputies in France, the question has been often agitated, and the discussions which have arisen have elicited various opinions. It seems to be a subject on which the public mind in Great Britain requires to be informed, and it appears that no decided sentiment has yet been formed by the public. In proportion, therefore, to the weight and attention given by the country to the deliberations of this House, in the same proportion will be the importance of the observations made here this evening to the country. I am, therefore, desirous to avoid all declamation, and in as brief a manner as the subject will admit me, to lay my sentiments on this very important point before the House and the country. It is absolutely necessary before entering into the question, to advert briefly to the state of the town and government of Algiers previously to the year 1830, when it fell under the dominion of France.

Little seems to have been known of the condition of the country about Algiers, further than that the community there consisted of various tribes of Moors and Arabs with Jews and slaves. The population of Algiers in 1830, before the arrival of the French troops, has been estimated at about 30,000 souls. Of this population about 12,000, speaking in round numbers, were Moors, 6,000 Jews, 2,000 negroes, and 4,000 foreigners, and the remaining consisted of about 5,000 or 6,000 Turks who kept the entire and supreme power in their hands, tyrannised over all the others, and held the population in subjection. These Turks were bred up in like manner to the Mamalukes in Egypt, and had, in fact, no connexion with the people they had under control. They did not colonise or mix with the natives who were considered as a conquered people.

The Aborigines, therefore, did not enjoy any rights or liberty, nor were they possessed of the slightest political power, but, as already observed, they were entirely under the control of these 5,000 or 6,000 Levantine Turks, who, although professing themselves Mussulmen did not owe the slightest deference to the Sultan at Constantinople, or pay any obedience to his order. So independent were these pirates of the Sultan, that they scrupled not to seize and make slaves of Greeks sailing under the Turkish flag. The wealth and resources of the Dey's government arose chiefly, if not entirely, from acts of piracy and robbery, committed at various times on almost every nation that sailed in the Mediterranean, but principally on the weaker powers occupying the northern coasts of that sea. These freebooters being independent of the Turkish power, formed their own government. They elected their Dey. The late Dey had been a waiter at a coffee-house, and exchanged the napkin for the sceptre. The vizier, or prime minister had been a wrestler, and before this time, would probably have tripped up the heels and taken off the head of the Dey, if their government had continued. The lord high admiral was originally a burner of charcoal. These points are of little consequence, except that they prove that no sovereignty whatever was exercised or possessed by the Porte at Algiers, and that the Dey's despotism there and sway of these men, was the usurpation of a set of pirates and banditti who were neither appointed by any acknowledged power, but their own will, and were independent of any other power whatever.

The several complaints of the British consuls, the insults they experienced from the Deys at different times, and the endeavours of this country to bring them to reason by the squadrons under Lord Exmouth, and at a subsequent period under Sir Henry Neale, are well known. There never was any, it was not likely, and it seldom occurred, that any respect was paid to treaties or to the laws of nations by such a government, and for ages the nations of the Christian world had to complain, either that slavery on

Christians was continued, that ships were seized in times of peace, or that consuls and public agents were insulted in despite of treaties and engagements. France at length was roused by some outrage of these barbarians on their consul, and, at an enormous expense and great sacrifice of men succeeded in achieving the destruction of that nest of piracy which many powers of Europe had attempted at various ages, and with different success, but none before had been able to accomplish. For this act France was entitled to the gratitude and thanks of Europe; and this act, I say, France had a right to perform in accordance with the rights of men and the laws of nations.

The intended capture of Algiers was known long before it took place, from the extensive preparations made in the ports of France on the Mediterranean, and it does not appear that either Turkey or any other state opposed an attempt which could not but prove beneficial to the different states of Europe, and to the entire civilized world. France, it must, therefore, be admitted, having occupied Algiers, having remained in possession of that place for several years, had as much right to proceed against Bona and Constantine as we had, in India, to wage war, and to occupy the territory of the Burmese. I do not mean, in making this assertion, to justify the aggression of one state over the other, or to bring in Grotius or Puffendorf or Vattel, to sanction, to justify, or even to excuse those attacks of a powerful nation on a weaker one, which for centuries are recorded in the page of history to the disgrace of former governments, and the degradation of human nature: I mean to assert, that we, the people of England, have acted in such a manner that we are precluded from opposing our neighbours who imitate our example.

By some individuals in England, it is true, apprehensions were entertained that a settlement on the coast of Africa by France, might, in time of war, prove injurious to the trade of the Mediterranean by the advantage gained to the French of possessing a sea-port on the African side. By others it has been said, that such a position might become injurious to our Indian possessions, by opening to France the way to Egypt, to the Red Sea; in short a variety of dangers either to the maritime or colonial influence of England has been conjured up, and advanced on the subject; let us for a moment consider whether any of these are really of any importance. The apprehension excited from Algiers being in possession of France, are stated, I believe, to be the possibility of penetrating by Egypt to India; and the possession of an harbour in Africa, in the event of war, by our neighbours on the Continent. With regard to the former, the distance between Algiers and Egypt is far too great to admit of the possibility of French troops marching overland; if France was inclined to make an attempt on Egypt, it would be done by landing at once near the Nile, not by the circuitous route of going to Algiers, and then proceeding by land to Egypt and India; the apprehension, in fact, of such an attempt is quite absurd, and needs no further comment. In regard to the annoyance that might arise from privateers or steam-vessels, sheltered in Algiers to our commerce in the Mediterranean in case of war, it cannot but occur to every one, that if our naval superiority enabled us to blockade Algiers by the squadrons under Lord Exmouth and Sir Henry Neale, the same naval superiority might enable us to blockade again with equal facility, whether Algiers was in possession of France or the Dey. From the various sources of information that I have been able to obtain from distinguished naval officers, I cannot say, that much apprehension is entertained by them on the subject. Let any hon. Member also who doubts this assertion, refer to the debates in this or rather the old House of Commons, on the treaty with France and Spain, for giving up of Minorca in 1782; he will there find, that the harbour of Port Mahon, as was said in the Debates of that day on the cession of Minorca, was one of the finest harbours in the world, capable of holding with safety the entire navy of England, where ships could anchor in perfect safety sheltered from every wind. If such a port, situated in the centre of the Mediterranean sea, could be given up to our enemies for the sake of peace in 1783, shall we run the risk of a war on the subject of Algiers being kept by our allies in 1838, and perfect security afforded to our commerce and that of the rest of the world by the destruction of piracy? Port Mahon, in every point of view, was superior, as a naval station, to Algiers; it was given up, and in the subsequent war that took place in 1792, did we find our commerce annoyed by its occupation? Much the same may be said of Algiers. It cannot be denied that some vessels might be sheltered under its mole, and have an opportunity of slipping out and giving annoyance to our single merchantmen. In time of war ships sail in convoys; and now that steam may be used in warfare, should hostilities ever take place, which I trust is far from probable, it is evident that steam-vessels could be fitted out from the various ports of Spain and France, which would be much more annoying to our commerce than any that could cross the Mediterranean from the African coast, where no coal could be obtained or the requisite for the repairs of steam.

No good reasons, therefore, appear to be formed which can induce the people or the Government of Britain to view with jealousy the occupation of Algiers by France. If this is admitted, and from the little sensation which the capture and occupation of that place occasioned in this or any other country, the impression of danger arising to our commerce from such a cause may, I think, be entirely abandoned, and no fear need be entertained by the British people of the extension of territory and of power by the French colonization of the country round Algiers. Some persons have expressed a doubt whether the French power could not extend itself along the south western coast of Africa, and in time be able to command the valuable gum trade of Senegal. If any one, however, will take the trouble to cast his eyes on the map of Africa, and see the immense distance from Bona or Constantine to the confines of Senegal, such an impression cannot long continue on his mind.

Looking, however, at the situation which the two great nations of Europe, England and France are placed, I confess I can see little probability of a war breaking out between them. We cannot look in this case to former times for a precedent; the situation of the two countries with regard to each other have entirely changed, the political occurrences of late years have altered the state of things in both countries. The people are made their own governors, and the beneficial result of interchange of commodities of every description that takes place daily, and which hourly increases, must prevent the Executive Government of either, even if inclined to enter into hostilities against the wishes and interests of the people. The consequence is, that the probability of future wars is lessened, and if the general communication from the use of steam continues to increase, the increase of communication will be such as to render the chance of war every year less probable. Unless, therefore, the ambition of some power should lead to overt acts of aggression, there is little probability of any war breaking out, and Russia is more of a defensive than attacking power. Russia in a war with England or France could do them no real injury, and would herself lose her trade altogether, her landed aristocracy would suffer so severely as to prevent the Emperor from entering into one. How far the superabundant populations of the old states may lead to a different result in process of time is not for me to determine; and such is not to be apprehended as long as a vent is found for colonization in the wilds of Africa or the plains of America.

There is always to be found an active, restless, and discontented set of individuals, with little to lose and much to gain, in all social communities—these are not so common in newly-formed countries, but their number is found to increase in every civilized and fully-peopled country, always prepared for sedition, and ready to promote confusion, in hopes of participating in the general scramble, which ought not to be overlooked. However, under the present government, France seems to have little to apprehend. Some have said, that the Mediterranean would become a French lake; this will not happen sooner than the Baltic becoming a Russian lake; the chance of the latter is quite as great as the former, and, of the two, the former would by me be preferred, but both are at present unlikely.

To Britain, the colonization and partial civilization of Northern Africa, could not prove otherwise than beneficial. Wherever a new channel of trade is opened, the possible demand of our manufactures, or commodities may be created: whatever tends to increase a demand for any branch of our trade, it cannot be doubted that such a result would be advantageous. Every colony made by France is a pledge of peace given to Britain, and surely it cannot be a matter of indifference to England which has so often been obliged to have recourse to arms from apprehension of the power and ambition of the rulers of France, to find the same active and warlike population of that country directing their energies and capital to the arts of peace, to colonization, to augment their commerce with other nations, to increase their wealth and progressive improvement in lieu of the former attempt at universal conquest and dominion over part of Europe. The more France addicts herself to internal improvement and external colonization, the more adverse will her population be from war. Let any one who has before visited Paris, reflect on the extraordinary improvement in the condition, wealth, and enjoyment, of the people that is daily taking place. Under the wisest and most enlightened monarch that ever swayed the sceptre of France, she enjoys, at present, a prosperity never before known in the brightest days of her history; it cannot be denied that she has the power and means, and will endeavour, to turn to some advantage the uncultivated plains of Numidia. The result would be beneficial to all nations engaged in commerce, and to the welfare of Europe, and quicken the progress of human happiness and civilization throughout the world.

In her declaration to European courts, France intimated as follows:—That she would turn her preparations to the advantage of the Christian world by securing 1. The complete destruction of piracy. 2. The total abolition of Christian slavery. 3. The suppression of the tribute which Christian powers pay to the regency.

By the conference held in London it was agreed between France, England, and Russian, that in the countries of the East, no increase of territory at the expense of Turkey should be made by either of the above powers. Now, Sir, I beg distinctly to state, that the conduct of France has been in strict adherence to the above treaty. The territory of Bona, the town of Constantine, have no more relation to Turkey than they have to the county of Middlesex. If any infraction of the terms of the treaty has been made, the infraction has been not by France but by Russia, who has taken advantage of the weak state of the Ottoman Government, and whose influence is at present paramount at Constantinople. The treaty has been adhered to by England and France.

Now, Sir, the only argument that I have heard against the extension of territory in Africa by the French, is an assurance made by the present Government of France, that it would fulfil and ratify all the treaties and conventions made by the former Government, but, in looking over the treaties and conventions made with France, I see no stipulation whatever regarding Africa, and if some conversation was held with my noble Friend, the former Ambassador at Paris, by Charles the 10th, on the subject, I do not see how such can in any manner influence the present Government of France. Vattel, in his War of Nations, says, "Those assertions made by Kings of themselves, are personal in their nature, and expire of course on the death of the King, or the extinction of his family. [Vattel, book ii. chap. xii.]

If you admit the right of France to take and hold Algiers, which has been admitted, it is childish to say, she cannot extend her territory in Africa, or depress the attacks of the Arabs or Moors. What should we think of the French, if they interfered in our war with the Burmese, or if the French Chamber had remonstrated against our repelling the attacks of the Caffres, whose discomfiture was as repugnant to humanity as the repulse of the Moors at Bona, or the capture of Constantine at a subsequent period?

I fear I have dwelt too long on this subject, from a conviction of the importance of the question to the best interests of Britain and of the civilised world. I may have entered into details which might be deemed unnecessary; but I hope I may be excused for so doing. The chains of slavery in Europe have been broken by France, nearly at the time that the chains of slavery were broken in America by England. The occupation of Algiers and its surrounding country by a powerful and highly-civilised European power is likely to benefit that power, to civilise benighted Africa, and to promote the welfare of Europe in general, and of England in particular: not only by opening and extending a vast field of demand for European industry, but by gradually ameliorating the situation of our fellow-creatures, and by annihilating a system of piracy most injurious to the trading nations of the world.

The question, therefore, is, are these benefits to be sacrificed to a paltry jealousy entertained by us of our neighbours, on the groundless apprehension of any molestation in time of war. I believe there are few thinking persons in this House, in this empire, or in Europe, who can entertain any doubts on the subject, or do not feel much gratification at the security now experienced by Christian nations that navigate the Mediterranean, who do not rejoice at the prospect of the abolition of piracy, and of the chance that the wandering tribes may gradually civilise, who can look forward without feeling a strong interest at the prospect of improving and colonising Numidia—that fine and productive portion of the globe. The advantage arising to mankind, and the benefits bestowed on society, by the chance of colonisation taking place in the northern coast of Africa, need not be here repeated. They must be apparent to every one, in a moral, religious, and political point of view; the prospect is cheerful; the idea is agreeable and favourable to humanity. In the course of years, the plains of Numidia, instead of being trodden underfoot by a barbarous, ignorant, and wandering banditti, may be turned up by the plough, and afford to an agricultural population the comforts, the luxuries, and the love, of civilised society.

Viscount *Palmerston* had no objection to a return being ordered of the papers which formed the subject of this motion, premising that the correspondence sought was that which had passed between the Governments of France and England in 1830 with respect to the occupation of Algiers—a correspondence which had been laid before the other House of Parliament in 1831 or 1832. As it had not, however, as yet been laid before this House, it was perfectly proper that this should now be done. It could not be expected that he would at that moment enter very fully into many of those topics which had been suggested both by the hon. Gentleman who had just sat down and by his hon. Friend, who had introduced the motion. It was not his business to inquire into the effect which the occupation of Algiers would produce upon the interests of this country, in many of those respects which had been suggested by both those hon. Gentlemen, nor into the degree in which it was likely to affect the interests of France herself, in the cases which they had supposed. He must, however, say, that there existed a difference of opinion between him and the hon. Gentleman who had last spoken, upon one point, which was with regard to the rights which the Porte had over Algiers. That hon. Gentleman was in error when he asserted that Turkey had no right over Algiers, however qualified. The fact was, undoubtedly, that Turkey did possess those rights, qualified by certain restrictions, according to the interpretation of England and France, but less limited according to the construction of Austria and other European powers. He would not enter into the question whether England had the right to interpose when France demanded an explanation of alleged injustice and aggression sustained from the Algerine Government. With regard to the pledges or assurances which before the undertaking of this expedition were given by France to England and the other powers of Europe, they would be found in those papers upon their being printed, and the House would then be enabled to see how far France had complied with those engagements. With reference to the other point to which the hon. Gentleman had alluded, as to the possible designs of France upon other portions of the coast of Africa, he could positively inform the hon. Gentleman that the strongest assurances had been given to the English Government by the Government of France, that whatever might be the result of their attempt to occupy Algiers, no aggression would be made by them upon Tunis on the one hand, or upon Morocco on the other. Upon a matter of this kind—standing as the question did, both with reference to communications that had taken place and deliberations that were now passing in France itself between the Government and the Chambers—he thought he should best consult his duty by abstaining from expressing opinions which it would be neither useful nor convenient for him to express. In one sentiment, however, of his hon. Friend he would take the liberty of saying he most cordially concurred. His hon. Friend had expressed a hope that the people of this country did not feel as much desire as he believed the people of France still felt for military glory, which was only obtained by rushing into unnecessary and unprovoked wars. He entirely agreed with his hon. Friend on that point, and he also hoped that the time might come, and that it was not far distant, when civilized and Christian Europe might partake of the sentiments of his hon. Friend—when nations might feel that there was no real glory to be obtained by entering into wars of aggression and tyranny—and Christian nations be convinced that there was no honour to be derived by them from the slaughter of thousands for the purposes of invasion and oppression—and when those trophies, which were erected by the hands of conquerors who invaded the rights and liberties of others when they should be endeavouring to preserve those of their own country, would, instead of being monuments of glory, continue to the latest period to redound to their disgrace.

Mr. *Mackinnon* begged to knowif, as was stated by the noble Lord, Turkey had been in occupation of Algiers, how it was that the two expeditions which had been sent out from England to demand reparation for the injuries that had been done to British commerce, did not go to Turkey, but direct to Algiers?

Viscount *Palmerston* repeated, that there was no doubt that the Porte held rights over Algiers. France and England, whenever they had to complain against a particular power, used to go, without disputing the right of Turkey, to that particular power itself. Other powers used to hold the Sultan responsible for the acts of the Barbary States in Africa, and apply to him for redress when an injury had been done.

Lord *Mahon* felt the delicacy of the subject, and did not intend to enter upon the discussion of it; but, as the noble Lord had stated that satisfactory assurances had been received from France disclaiming all intention of aggrandisement, on the one side, as regarded Morocco, and, on the other, Tunis, he thought it would be desirable that the noble Lord should give the dates of these assurances, and state whether they were in such a form that they might be added to the other papers moved for.

Viscount *Palmerston* said, that those assurances had taken place within the last few months; that they had been chiefly verbal communications, but that such papers as had been received he should prefer not laying before the House.

Motion agreed to.

THE GLASGOW COTTON SPINNERS.] Mr. *Wakley* said, that before he made the motion which was on the paper, he should take the liberty of presenting to the House a number of petitions which had been intrusted to him, and which had reference to the case of the Glasgow cotton-spinners. He believed, that there was no subject which could have been brought forward in that House likely to be so unpalatable as that to which his motion had reference; but he trusted, that the character of the House would not suffer in the eyes of the country from the fact of there being only one individual who was prepared to come forward and argue a question which was regarded with a feeling of hostility by all hon. Members. [*No, no!*] If the opinion intended to be conveyed by this expression of " no" really existed, he was glad of it, but he must say, that the public mind was most firmly disposed to entertain a feeling of prejudice against the unfortunate cotton-spinners of Glasgow. Nor was this prejudice the effect only of recent disclosures; for at the time of summoning the jury, many of those who were called upon to act had written to the officer requesting that they might be exempted, and declaring their belief that, from the prejudice which then existed, they would be unable to give an impartial verdict in the case, although they were to be sworn to give such a verdict only as would be warranted by the evidence which should be adduced before them. From the very moment of the assassination of the unfortunate man, Smith, in Glasgow, the press and the authorities of the place had striven to cast a prejudice on the cotton-spinners, and to point them out as the persons by whom the murder was committed; for after the death of the unfortunate man, certainly in a most deplorable manner, a proclamation was issued, offering a reward of 600 guineas to any one who should give such information and evidence as would lead to the apprehension and conviction of the offenders; and also at the same time declaring, that there was every reason to believe, that the cotton spinners had committed the murder. Thus at the very outset, the parties were prejudged, and the formation of a conviction was induced in the public mind, that the assassination was, in truth, the act and deed of the union of the cotton spinners. Now, what was the history of the case? In 1836, the working men in Glasgow, the cotton spinners, considered that they were under paid, and he believed that it would be admitted by hon. Members that they were entitled, in consequence, not only to enter into a consideration of the subject, but also to combine to protect themselves. It was on the 22nd of July last that Smith was shot, as he was returning home between eleven and twelve o'clock, and it was on the following Wednesday that the proclamation was issued. On the 3rd of August, the Sheriff of Glasgow, with a posse of constables, visited the committee of the cotton spinners, and they seized eighteen persons, and took possession, in addition, of all the papers and documents found in the room. The individuals seized were all consigned to a gaol, and from that time until the 10th of October, the public prosecutors, it was to be supposed, were engaged in collecting evidence against them. Their trial, however, was postponed from time to time, and the indictment which was at first delivered to the agents of the prisoners was withdrawn, and a second served, through which it would have been imagined that it was impossible for the prisoners to have escaped, and the trial, atlength after various further postponements, came on in the first week in January. The Lord Advocate was public prosecutor, and was therefore present at the trial, and he was glad to see him now in his place, because the learned Lord would be able to give a distinct account of all the transactions which had passed in court under his own notice; but the House, in receiving those statements from the learned Lord, must not forget the character in which he appeared at the trial, and could not expect that he could entirely divest himself of the feeling which he must have entertained there; the position in which he was placed being that of counsel for the crown, and, in fact, he being in that House in the same capacity, and to defend his own conduct, and that of the individuals who had acted under his advice. He was unacquainted with the nature of law proceedings of Scotland, and he was much rejoiced at it, if the proceedings in this case were to be taken as a sample of the manner in which they were carried on. But it was said that the law was so made, that large flies should escape while the little insects should be caught in the meshes of the net set for them. This appeared to have been the case in the present instance; but it was extraordinary how the prisoners had escaped the full punishment of the law. The indictment contained twelve counts, on three only of which had the prisoners been found guilty, notwithstanding, at the trial, the witnesses had been allowed to state facts connected with meetings which had taken place years before, at a time when none of the prisoners were more than six or seven years of age, and with which the witnesses themselves were acquainted only by hearsay; but such a mode of trial was utterly inconsistent with justice. In the indictment there was a count for vitriol throwing, a count for arson or fire raising, a count for murder, and others, which alleged crimes to have been committed, of which, if the prisoners had been guilty, they might well have been thought the vilest culprits who were ever brought into a court of justice. The first count was, that the prisoners agreed to use intimidation, molestation, and threats, to spinners, and deter them from taking work; the second was, that the guard committee and the prisoners agreed to set upon the spinners, and assault and molest the new hands employed; the third count was to the same effect, and alleged the molestation and assaults to have been on the return from work of the spinners; the fourth count alleged that the prisoners and others had conspired to set fire to Messrs. Hussey's factory, and hired a person to carry that object into effect, to whom they offered a reward of 20*l*. to complete the act, by throwing a packet of combustibles into the yarn room. The fifth count was, that the prisoners and others appointed a secret Select Committee, who were hired to send threatening letters to employers, and to set fire to a cotton mill, and forcibly to invade the dwelling house of a spinner, and to commit assaults on spinners, and to shoot and murder a spinner, and that these acts were done and committed. The sixth, seventh, eighth, ninth, tenth, and eleventh counts set out the various acts alleged to have been committed in the fifth count, and the twelfth count alleged the murder of John Smith. These men, then, were grievously and foully calumniated, for they were only convicted of a conspiracy, to raise wages, and also for assault, for which a most severe sentence was passed upon them. He should now proceed to call the attention of the House to what was said by the judge who summed up the evidence and passed sentence on the prisoners. With regard to the charge of murder, it was most emphatically stated, that if the evidence of Christie was not believed, the prisoners must be acquitted. It was also stated that the charge against the four prisoners of hiring Maclean was deficient in proof.

With respect to the charge of murder against Maclean himself, he gave no further opinion than by saying that if they believed the witnesses to the alibi, Maclean could not be the murderer. With respect to the threatening letters, he said, "As to the charge against Macneil of writing and sending the threatening letter to Mr. Arthur, it was not proved." Although, then, the judge said that the charges could not be believed as to the murder and threatening letter, he intimated to the jury at the conclusion of the summing up, that with regard to the charge of threatening letters, the jury would judge from what quarter they would come, but from persons taking the most lively interest in the association, and so with regard to the attempts at fire raising; and such observations on the part of the judge were called the system of justice in Scotland. Again, on passing sentence on the prisoners, the Lord Justice Clerk said, "It is for the purpose of deterring others from persisting in their evil courses, and of bringing that part of the community with which you are connected back into a state of order, &c." Lord Mackenzie said, "We must keep in view the distinction between the crime proved, and that which was charged and not proven." He could not help saying, that it was a remarkable thing that a judge should make such observations. It was, in fact, passing sentence for a crime of which they had not been found guilty; they had not been found guilty of murder or writing threatening letters; but the language of the judge was to the effect that they were guilty. Lord Moncrieff said, that the indictment stated two distinct instances of intimidation and assault on the part of the guard committee. In the first indictment, the two assaults he had alluded to were not mentioned. He should like to know under what statute or what law a misdemeanour of the kind these persons had been found guilty of could be punished with seven years' transportation. An hon. Gentleman below him, said, by the common law; but he (Mr. Wakley) contended that the common law of England did not admit of such a punishment for a simple misdemeanour. In 1825, the Legislature passed an act for the repeal of the combination laws. In one of the sections of this act it was stated that "combinations of workmen had taken place in England, Scotland, and Ireland, often to a great extent, to raise and keep up their wages, to regulate their hours of working and to impose restrictions on the masters respecting apprentices or others whom they may think proper to employ, and that the laws have not hitherto been effectual to prevent such combinations: that it was expedient that the statute laws that interfere in these particulars between masters and workmen should be repealed, and also that the common law under which a peaceable meeting of masters or workmen may be prosecuted as a conspiracy, should be altered." The common law had not been acted upon since the appointment of the Committee in the year before the act was passed. Of that Committee, his hon. Friend, the Member for Kilkenny—to whom the working classes, for his indefatigable and able exertions in their behalf must ever owe a debt of gratitude—was chairman, and drew up a most able report on the subject, to which he begged to direct the attention of the House. He denied, according to the act he had just referred to, that the combination at Glasgow was illegal. There might be certain acts committed by certain persons connected with the combination, which were illegal; but he had the highest legal authority for saying that the combination itself was not illegal. But even in cases of illegal combination what was the punishment under this act? In one of the sections of it, it was enacted, "that after the passing of this act any person found guilty of violence towards any person or persons or property, or by threats or intimidation forcing, or endeavouring to force, any workman or journeyman to depart from his hiring or leave his work, or preventing or endeavouring to prevent, any person not being hired or employed from accepting by threats or intimidation any work or hire, shall be imprisoned and kept to hard labour for a period not exceeding three calendar months." He might be told that this act did not extend to Scotland. He would ask why it did not? It appeared, however, that the usual clause for this purpose was not in the act, and the common law was revived with regard to Scotland. If any parties in England were found guilty of the charges these persons were found guilty of, and which was called conspiracy in Scotland, they would be liable to only three months' imprisonment; but in Scotland they were, it appeared, liable to have a sentence of transportation for seven years passed on them. Seeing the nature of the evidence adduced on the trial, what he then intended to call for was a full inquiry into the nature of the Cotton-spinning Association. He did not intend to propose the two resolutions which he had given notice of, but should confine himself to the first of them. He intended to do so because he thought that it would be more prudent to withdraw his second resolution, relying as he did, on the friendly feelings of Members, and even on the good feelings of those who even if they had committed errors in their proceedings, had done so from ignorance. He brought no charges against the executive government — he brought no charges against the Lord Advocate, or against the other legal advisers of the crown, for he believed, that if he had been situated as they were situated, and with the nature of the statements laid before them, he should have acted in the same way that they had. It was, indeed, impossible, that they should not pay some attention to the representations made as to the circumstances alleged to be attendant on the proceedings of the Cotton Spinners' Association. After the alarming statements made to them, it was the duty of the Government to make the most rigorous search and investigation into the alleged proceedings. The question, however, was whether the feelings and imaginations of the authorities had not been excited by the supposed proceedings of this Association, and whether a more severe punishment had not been passed on these men than the circumstances of the case required. He, therefore, on these grounds, made no charge against the executive Government; but he asked, he implored, them not to send these men from the country until the whole case had been fully investigated. When a case was before a court of law it often happened that the matter turned upon some technicality. If the case were alluded to in the House, it was instantly met with the objection from Gentlemen on one side of the House or the other that there was no precedent. He did not think that it always happened that a court of justice was the most favourable place for investigating such charges as had been brought forward with respect to this Association; but before a Committee of that House the whole matter would be investigated in the fairest and most favourable manner. He would ask whether the House or the country would gain anything by sending these men out of England? If they awarded the punishment which was imposed by the statute they could not award more than three months imprisonment to these men, but according to the law authorities on the other side of the Tweed the offence was to be punished with seven years' transportation. A few years ago the six Dorchester labourers were, in the opinion of many Members of that House, most properly sent out of the country for having taken an illegal oath; but was there then a single Member in the House who was not convinced that those men were most hardly and severely punished, on being convicted under the 57th of Geo. 3rd of taking an illegal oath? That was the only breach of the law of which those men were guilty, and for which they were sent out of the country. The sentence on those men had been rescinded, and one of them had returned to this country, but the other five men had not been heard of. He warned the House against acting in anything like a spirit of hostility to the working millions of Englishmen. Such a course could not but be attended with the greatest danger, and he would tell hon. Gentlemen opposite not to suppose that they could long uphold the conservative institutions of the country when the feelings of the people were against them. He begged the House to recollect that the working classes were not the ignorant body that they were formerly said to be, but that knowledge and intelligence were extensively spread amongst them. That large body was not represented in that House, and indeed they had created a peculiar qualification which prevented the working men from sending any of their own class into that House, and in addition to that, the franchise given by the Reform Bill excluded the larger portion of them. [*Hear, hear!*] Hon. Gentlemen opposite cheered, but were they when they appeared to think with him that the Reform Bill was not a perfect or sufficient measure, prepared to go further—would they support a proposition for universal suffrage? He was sure that the result would be, that the working millions in this country would force their demands on the attention of the House until their just claims were heard with success. The hon. and learned Member for Dublin had given notice of an amendment to his motion, The hon. and learned Gentleman said, that he was favourable to inquiry. This was all that the members of the trades' unions demanded; they said that they were most anxious for the fullest investigation, so that they might have an opportunity of removing the imputations which had been cast on their characters. In consequence of what had taken place in the sister island his hon. and learned Friend had made an attempt to disabuse the public mind of the working classes as to certain transactions connected with the combinations, and as to some unfortunate effects they had had on the trade of Dublin; in consequence of this he was charged with being hostile to the interests of the working classes, and an attempt was made to excite the feelings of the people against him. He believed that the charge was without foundation, and that nothing of the kind was true—indeed the hon. Member's whole life was an answer to the charge. Whether the House agreed to the inquiry on his motion or on that of his hon. and learned Friend was immaterial; all that he required was, that the inquiry should be full and complete, and that the unfortunate men who had been convicted in Scotland should be retained in this country until the investigation was at an end. Because the combination laws had been repealed· hon. Gentlemen thought that the working men acted improperly if they made any provision for a future time out of their weekly wages. So far from this, he thought that the working man deserved credit for making provision out of his wages, to apply it when the day of want came; and it was quite immaterial whether this was done by union amongst the working classes or otherwise. Indeed it was a question with him whether the law should not do a little more than it did at present for the protection of the interests of the working classes. The fact was, that there was nothing but combinations amongst the rich from one end of the country to the other. He had no hesitation in saying that there was a trade union in that House. The landed proprietors in that House constituted the large majority, and took care to prevent any alteration in the law which would make corn cheap. By doing so they thinned the blood of the people and kept down plethora among them. He trusted, therefore, that Gentlemen in that House would be more chary for the future in making such charges against the working classes. His hon. and learned Friend, the Member for Dublin, condemned the workmen of that city because they did not allow each tradesman to have more than a certain number of apprentices. He did not, however, condemn a similar practice which existed in his own profession, for no attorney was allowed to have more than two apprentices; and they not only had an arrangement amongst themselves, but they got a statute passed for the purpose. That rule, therefore, which was highly approved of with regard to lawyers was most strongly condemned in other trades. Again, had they not a trade union in the Temple. Had they not in that place a recent and remarkable instance of conspiracy against the genius and abilities of the extraordinary man near him—which had prevented him acquiring that station and wealth in the profession which his talents would have insured to him? When there was such a remarkable instance of the preventing the acquisition of rank and wealth in a liberal profession, by a combination of a detestable clique in the heart of the metropolis, they should not make such loud complaints of combinations of working men at distant places who had such difficulties to contend with. They ought not to sanction such a state of things in the law, and punish with the utmost rigour poor and unfortunate men who attempted to gain an addition to their scanty earnings, and to obtain bread for themselves and families. This was the system that was pursued with regard to the working classes; and he would ask any hon. Member whether he would not blush if he thought that those men were his countrymen, who could patiently submit to the infliction of such hardships on them as the working classes had been subjected to? When the same class of persons fought the battles of the country, no praise that could be bestowed on them was too great; there was no limit to the applause bestowed on their brave soldiers and gallant tars; and the class whose cause he thus advocated, were possessed of the same feelings and habits, and were the fathers and brothers of those upon whom praise was so lavishly bestowed. He knew not how to treat the question before the House in any other manner than that which he had stated. He knew that there was the greatest repugnance to discuss questions in that House which involved anything like an appeal from the decision of a court of law. It was the common custom to state that it was inexpedient to make that House a court of appeal from courts of law; but he would ask to what other tribunal could they appeal? Where could matters of this kind be so properly discussed as in that House? It should be remembered that the judges were not the masters of the public but the servants. He did not wish to make any remarks on the conduct of the judges in any court of law; all that he was anxious for was securing the confidence and respect of the people. He would ask the learned Lord Advocate under what English statute these men could be transported. He was aware that under the 9th of George 4th it had been maintained that if they conspired to commit assaults, they could be capitally indicted. They were not, however, indicted under this statute, indeed no mention was made of it; he therefore thought the indictment was framed under the common law. All the papers of the Association were seized by the Sheriff when the documents of the committee were taken by surprisé; and he would ask what internal evidence these documents exhibited of the existence of an illegal association? But suppose that these persons were present when the assault was committed, did it justify them in passing on the prisoners a sentence of transportation for seven years? After the enactment in the Act of Parliament which he had read to the House, he was of opinion that the highest punishment that should be inflicted on the prisoners was imprisonment for three months. By taking an analogous case he thought that a great light might be thrown on the subject. He intended to direct the attention of the House to the analogous case of the Orange Association. He knew that some hon. Members might object to any allusion to the Orange Association, but he did so, because it would show in what a different manner the law was administered to this exalted body, and to the humble association of workmen. It was well known that the Orange Association was an illegal body, and it was rendered so by the oath taken by its members. With respect to the Glasgow Association, it was asserted that an oath was administered: three of the witnesses for the Crown denied that there was such an oath in that body; again, four of the witnesses for the Crown denied that there was any secret committee in connection with the Association. Such, indeed, was the contradiction on the part of the witnesses for the Crown, that it was surprising that the counsel for the prisoners thought it expedient to call any witnesses for the defence. If this had taken place, he thought the Lord Advocate would have felt, that he had been placed in rather an awkward situation. He would proceed to make a few remarks as to what had taken place before the trial. He had already said that 600*l.* had been offered for information which would lead to conviction. But how were the witnesses treated before the trial? The four chief witnesses for the Crown were confined together in one room. These men were members of the Association, were confined together in one room, and they were in expectation of receiving the 600*l.* if their evidence should convict the prisoners. Need he add, that by pursuing this course, the witnesses had every opportunity of agreeing to the evidence they should give, and of framing it in a way which was most likely to lead to conviction. On the trial no objection was allowed against the testimony of these witnesses, although they had lived together; but the judges refused to receive the evidence of two witnesses for the defence, because they had, previously to the trial, signed a declaration that Macneil was not on the spot when the murder was committed on the night it took place. He did not understand how the impartial administration of justice could be promoted by receiving the evidence on one side, and refusing to receive the evidence of witnesses for the defence, for the simple reason he had stated. But he might be told that the witnesses were put into gaol for protection; there was no necessity however, for putting them in one room; there was no necessity for cooping them up in one narrow spot where they could have an opportunity of conversing together on the evidence they would be called upon to give on the trial. He should now return to the Orange Association, and what he wanted to establish was, that if the law was to be administered to the people, it should be administered with strict and undeviating impartiality. It had been elicited by the Committee of that House which inquired into the nature of the Orange Association, that oaths were taken by its members, yet had any of the nobles and right honourables of the land, who were the leaders of that Association, been prosecuted or punished? Not one: and why, then, inflict this severe punishment on poor men daily struggling for their bread, and who, if they had sinned in this matter at all, had not sinned because they were vicious. If justice were to be administered, let it be with an even hand. And what was the oath taken by this Orange Association, which boasted that it could raise 150,000 men at a minute's notice, through the influence and interest of those who were its heads, and than which a more dangerous Association, more rife with peril to the Crown and to all the institutions of the country, never existed in any state? Its organization was most complete, and the oath which it imposed on its members the most solemn and binding that could be framed. What was that oath? "I, A. B., do solemnly swear that I will, to the best of my ability, defend the present King and Royal Family,"—yes—"defend the present King and Royal Family, so long as he and they support the Protestant ascendancy." So that here were 150,000 men taking a qualified oath of allegiance. And who were to be the judges as to whether the King supported the Protestant ascendancy? Why the heads of the Association. Well, just so long as the King, in the opinion of these parties, supported the Protestant ascendancy, and no longer, did the Association pledge itself to defend the King. Then came a paragraph having reference to the secrets of the Association:—"And I do further swear that I will always conceal, and never reveal, any part or parts of what is now about to be privately communicated to me till empowered to do so by the authorised heads of the Association," &c. And who were among the heads of this Association? The noble Member for Bucks, opposite, the Duke of York, the Duke of Cumberland, the Bishop of Salisbury, "the lord prelate of the order," Lord Lowther, Lord Kenyon, Sir Robert Peake—not Sir Robert Peel—the Marquess of Thomond, and other nobles and great men of the land, too numerous to mention. But it might be said, this was a religious Association, established only from the purest of motives; but he had shown that it was a political institution, and he had also shown that its members took a qualified oath of allegiance. One of the persons examined by this Committee was a Mr. Whittle, a maltster, of Rochdale, who stated that he had been an Orangeman for twenty years, but had been expelled in 1835, by the Grand Lodge held at Lord Kenyon's, because he had voted for the Liberal candidate for Rochdale; and, further, that several other Orangemen had been expelled on similar grounds. The Orange Association was, therefore, not only in the highest degree a dangerous Association, but it was an unlawful one. Seeing, therefore, that it was an unlawful Association, and that some of the greatest men in the land belonged to it, what must be the feelings of the working millions of this country, when they found that no prosecution had been instituted against any one Member of that Association, while people were sent hunting and peering about the country for the purpose of discovering any persons who might have been guilty of violating the law in these trades' unions. What he asked was, that these men should not be sent away until an inquiry had been made into this Glasgow Cotton Spinners' Association. He asked for no inquiry into the trial. It might, perhaps, be said, that there was no parallel between the case of this Association and the case of the Orange Association—that no serious outrages had arisen out of the Orange Association. But this was a mistake. Near Glasgow itself, serious outrages had been caused by Orangemen, in one of which, a constable, was shot by an Orangeman. The murderer was taken and executed, and here the question arose, if the assault at Mile End could be traced to the leaders of the Cotton Spinners' Association, merely because the parties committing it were connected with that Association, how was it that the leaders of the Orange Association were not prosecuted for the murder committed on the constable by one of their body? If there was culpability in one case there was criminality in the other. This was a mode of administering the law which would be productive of the most frightful consequences. If they wished the Crown to be respected, the courts of justice to be beloved, they must keep the fountain of justice free from all impurity and corruption. The hon. Gentleman concluded by stating that he should only move the first resolution of which he had given notice, which the hon. Member read as follows:—"That this House is of opinion that a Select Committee should be appointed to inquire into the constitution, practices, and effects of a society which has long existed in Scotland, under the title of 'the Association of Operative Cotton Spinners of Glasgow and its neighbourhood.'"

The *Lord Advocate* was bound to acknowledge the perfect courtesy with which the hon. Gentleman had brought forward this question. But while he acknowledged this personal courtesy to its fullest extent, he must regret that, in reference to other persons, not present to defend themselves, the hon. Gentleman had made some observations which he conceived to be totally unfounded. He referred to the opinions alleged to have been delivered by the learned Judges, and he must say, that, with the exception of one particular allusion only, no such opinions had been delivered by them—and before he concluded the observations he had to make, he would direct the attention of the House particularly to an opinion of one of the Judges in a case allied to the present, and which he should submit to the House as expressing sentiments honourable to any Judge in any country. But when the h n Member complained that an observation had fallen from one of the Judges to the effect that the guilty persons were punished for the sake of example, and not because of what they had done, it might be asked what punishments at all were adjudged in any part of these realms but as an example? In no case was punishment dealt out on a criminal in satisfaction of the vengeance of the prosecuting party, but for the good of society alone, for the repression of crime; on such grounds alone was a judge justified in pronouncing the sentence of the law against any individual. Such a sentiment as this was doubtless uttered by the learned Judge, but in every other respect the imperfect and erroneous view which had been given by the hon. Member of the opinions delivered by the learned Judge, showed that he had been entirely misinformed as to the real facts of the case. He regretted that he had not been present when the hon. Gentleman first brought the question before the House, but he had had no idea, from the feeling which prevailed in Scotland respecting these proceedings, that they were likely to engage the attention of the House during the short interval between the assembling of Parliament and the recess. Had he been at all aware that it would be brought forward, he would have taken care to have been in his place. As it was, the hon. Member would do him the justice to admit that since the re-assembling of Parliament, he had manifested no desire for delay in bringing the question under the consideration of the House. On the contrary, he much rejoiced that it was now before the House, so that the whole matter might be fully considered, and the justice of the laws of Scotland vindicated. It had been stated, that many of those summoned on the jury were confessedly so prejudiced as to be unfit to try the case, but how stood the fact? That every advantage had been in this respect, as in others, given to the persons accused, and had been fully exercised by them. Not fewer than twenty-five challenges were made to the jury by the prisoners, while not one single challenge was made on the part of the Crown. Indeed, it had seldom happened, except in cases of treason, that the privilege of challenging had been carried so far, and he might add, that so far as he knew of the public opinion of Edinburgh, very few persons there were prejudiced on the subject. The question before the House had been in some degree placed by the hon. Gentleman on a more favourable footing than some other cases, where the object was to have the trial reviewed and the judgment amended, but this was disclaimed by the hon. Gentleman, and, being so disclaimed, he had no occasion to make any further remarks, except, indeed, this—that no tribunal was less fitted to try a case of this nature than either a Committee of the House, or the House itself. He did not, however, mean for a moment to dispute but that if any flagrant wrong had been committed, that if the law was in any way defective, or if the public officer had failed in the discharge of his duty, the House might very properly give redress in such a case by amending the law, or addressing the Crown to remove the person who had acted in a manner unworthy of his situation, and he would say at once, that, in his opinion, any individual would be most unworthy of that high station who should manifest any feelings adverse to the industrious classes, any man would exhibit himself equally deficient in all the qualities of heart or head, who had not as much regard and affection for, as much joy and pleasure in, the prosperity and happiness of those classes, as in that of persons of station and wealth. The hon.

Gentleman had observed, that he considered himself fortunate in not having been in a country where such laws were in force. In comparing any new system of law, it would be most unjust to take any one particular detail of one system, and draw conclusions upon the whole from that only, and not from the other parts of the system which balanced it. It should be always recollected that the law of Scotland was far more favourable to persons accused than the law of England. He did not say that the law of England in this respect was bad, or ought to be changed, it had very great merits, it was suited to the country, it gave great security to life and property, it lived in the hearts and feelings of the people; but in considering these or any other laws, they must be taken into consideration one with the other, in order to see how far they were perfect or otherwise. The law of Scotland, he would repeat, gave great advantages to persons accused which they did not possess here. In the first place, and this should be attended to, as the circumstance led to some of the peculiarities which had occasioned much remark out of doors—in the first place, by the law of Scotland no crime, whether of great or small importance, could be proved against any person without the evidence of two witnesses at the least, or of one witness supported by circumstantial evidence confirmatory of his evidence. Take the case of a person of the highest character, who had brought forward his evidence that he had been robbed or assaulted, or otherwise aggrieved by any other inferior offence, however clear and direct his evidence, however unimpeachable his character, unless the public prosecutor could call some other witness, or prove some circumstance to confirm the evidence, the jury would be directed by the judge unanimously to find that the offence was not proven. Nay, a very high authority, Judge Hume, had expressed the extreme opinion, that the evidence of one witness only, though this witness was a *particeps criminis*, would not be sufficient to prove an offence. Whatever might be thought of this rule, it certainly gave a great advantage to the persons accused, and persons accustomed to the administration of the law in Scotland were frequently surprised at seeing in English criminal courts persons adjudged guilty on evidence on which a conviction could not be obtained in Scotland. This rule had led to the giving verdicts in the different forms of "guilty" or "not guilty," "proven" or "not proven," because it would be most unreasonable to require of a jury, convinced by the unimpeachable testimony of one witness of the guilt of an accused person, to pronounce him not guilty, while the law of the land forbade them to declare him guilty, except on the evidence of two witnesses. In such cases it was left to them to declare the offence "not proven." Another advantage was, that the accused person had a copy of the indictment furnished him fifteen days before the day of trial, containing a narrative of the facts to be proved against him, and thus enabling him to prepare his defence. There was also at the same time furnished him a list of all the witnesses against him, while here a copy of the indictment was only furnished to the prisoner on the very day of trial. These were great advantages to the accused person. Another peculiar advantage which the accused person possessed in Scotland, the policy of which was less clear, was, that after the public prosecutor had concluded his case and examined his witnesses, the prisoner was entitled to reply, to have the last word, and might call evidence as to *alibi* or any other fact in his favour, while the public prosecutor was not able to recal any witness in explanation. The hon. Gentleman had contrasted the evidence of one person on the trial, who stated, that on a particular evening a secret meeting had been held, which evidence had been contradicted by another witness, who stated, that he was in the chair on the evening in question, and that the meeting was only an ordinary one, which broke up at half-past nine, whereas, if the public prosecutor had been allowed to recal his witness, he could have shown that the secret meeting he deposed to, took place the same evening after the ordinary meeting, which broke up at half-past nine. The hon. Gentleman had asked under what statute this trial had been had. The answer was, under no statute at all—no statute was mentioned. The hon. Gentleman also asked whether the law respecting combination applied to Scotland? Undoubtedly, yes, there was no person who was not liable to punishment for combination. In England this offence, if accompanied with violence or menaces, was punished with three months imprisonment; in Scotland this offence was tried by the justices of peace or the sheriffs. But this was a different case from simple combination, or of working men casually committing violence against other working men. This was a conspiracy formed during a long course of years — a conspiracy seeking to accomplish its object by deeds of violence, by systematic outrage, and giving alarm to the whole community where it existed to that extent that, besides the ordinary police of the place, it had been found necessary to employ an additional force of 100 armed men to keep the peace. According to the law of Scotland, a conspiracy, as defined by the Act, was one of the most formidable crimes that could exist. That a conspiracy had existed in this case was proved by the atrocities that had been carried on for a series of years, by the terror that had been resorted to, by the domination that had been practised, by the despotism that had been exercised over all. The hon. Gentleman complained of the partial administration of justice, and referred to the difference between the course pursued in the present case, and that which was adopted in reference to the combinations and riots between the Roman Catholics and Protestants. On that subject he begged to refer to the cases which arose out of the riots at Airdrie in 1835. It was then necessary to try both Roman Catholics and Protestants who had committed riots; the Roman Catholics were transported for seven years, and the Protestants, whose crime was considered greater, were transported for fourteen years. These were, in their circumstances, the same cases as that of the association at Glasgow; the punishment awarded was not greater, and the persons were of the same description as those to whom the hon. Gentleman had alluded. He did not think it desirable to go into all the details of the evidence in this particular case, but there were one or two points to which he felt it his duty to allude. The hon. Gentleman asked were these five individuals, the president, the secretary, and the others, present on the occasion when the riots took place? No, they were not, and he would say, that the crime was greater, was more serious and dangerous, of hiring, maintaining, and directing the individuals whom they excited to riot, than it would have been had they exposed their own persons to the consequences of the grave offences that were committed. Tranquillity was much more endangered, and far greater terror was produced, when designing men laid their plans, and in secret advised and excited their weak and deluded victims to carry them into execution, and expose themselves to the just vengeance of the law. There were some minor details, arising out of the adjudication of this case, which the hon. Gentleman had referred to, and which he could not pass over, because his doing so might create an impression unfavourable to the administration of justice in Scotland. The hon. Gentleman spoke of witnesses for the Crown having been imprisoned for a considerable period of time before the trial. Now the great difficulty of this case was attributable to the terror under which the witnesses for the Crown laboured. The fact was, that they themselves had solicited to be put into prison. They had positively refused to give any information unless they were lodged in a place of security. At a subsequent period, the sheriff was obliged to meet them in remote parts of the town, it being declared and believed, that if they were seen to go to the sheriff's, their lives would not be safe. That they should all have been confined to one apartment was a circumstance he regretted, but that fact would not surprise the House when they recollected how crowded the gaols of Scotland unfortunately were. These prisoners could not, under the circumstances, be placed in a better situation, there were no means of providing them with a separate apartment. The present condition of the gaols was certainly a great evil, which he hoped would be redressed, it was universally acknowledged, and he trusted that the Bill brought in during the last Session of the last Parliament would pass in this, and provide the Crown with the means of disposing of the prisoners properly. The propriety of prosecuting the leaders in these combinations was particularly apparent when the situation in which the ignorant and distressed were placed by them was considered. In such cases the uninformed, being perhaps out of employ, and suffering from extreme destitution, were made to feel that while they committed crimes, they were sure of their reward from those with whom they lived and associated, but if they refused to be parties to the criminal proceeding, or if they gave information, they were certain of persecution, and exposed themselves even to the danger of losing their lives. Such being the difficulties in the way, he always felt extremely uncertain as to what would be the nature of the evidence that might be given. It was evident that the prisoners had the means of using an influence far greater than that which any public prosecutor could exercise. This state of things could not be disputed, for crimes were committed in Glasgow and its neighbourhood sometimes under cover of the night, and sometimes in the open day, and though large rewards were offered for their detection, no person came forward to give evidence. It could not be expected, that in such cases the evidence would always be clear and overwhelming, but in this instance a feeling of remorse on the part of many, and a desire for the restoration of tranquillity on the part of others, who regretted the violence that had been committed, occasioned them to come forward for the purpose of establishing the facts. The hon. Member for Finsbury had asserted that the law of Scotland punished offences of this nature with far more severity than that of England, but he was sure the House would not think transportation for seven years too severe a punishment for a crime so grave, or that the punishment inflicted on the Airdrie rioters was disproportioned to their offences. The law of Scotland, while it subsisted, must be administered, and he hoped the House would support the judges of the land in the discharge of their duty. The hon. Member had observed, that punishment was awarded on three only of the acts charged, but the tenth charge of employing persons to enter the house of a cotton-spinner, named Donaghey, at night, had been found by the jury to be proved. The court, however, had declined to pass any sentence regarding this charge, on account of the failure of one of the previous charges. So far, therefore, from any undue harshness or severity being used towards the prisoners, they had all the advantages which the leniency of the law could allow them. It was impossible to forget that the charges on which they were convicted were distinctly proved against them, or that the offences might, if unpunished, be followed by consequences the most dangerous to the welfare of the inhabitants of the populous district in which they were committed. One of the individuals whom the prisoners were suspected to have employed, was apprehended and brought to trial at Glasgow for the outrage he had committed at the very time the trials in Edinburgh were going on. What followed? As was frequently the case as regarded crimes committed under the authority of the association, the man pleaded guilty, thinking it, no doubt, better to do so, inasmuch as the offence could be easily proved. Thomas Riddle was the prisoner's name. He begged to read to the House the judgment Lord Cockburn passed upon the prisoner. The learned Lord read as follows:—

"Thomas Riddle, it is impossible not to be sorry, as well as surprised, at seeing a person of your appearance where you are. But you have committed a very great crime, and in order that neither you, nor anybody else, may have any pretence for not understanding its atrocity, I shall tell you the facts, as stated in the indictment to which you have now pleaded guilty. The indictment sets forth that you had struck work. But this is not your crime—it is not even a part of it. The law now entitles you, and every man, to strike work when he pleases. Your labour is your own, and you may sell it as you please. So may every other man by law. Whether there be certain persons who won't let this law be acted upon we shall see immediately. The indictment also states, that you struck in concert with a number of other operative cotton-spinners. But this is no part of your crime either. The law not only allows every man to demand what wages he pleases, and to refuse working if he does not get them, but it allows him to arrange and combine with others, in order that by concerted strikes, they may make their joint demand more effectual. Masters may combine against workmen, and workmen against masters. By law the market of labour, like that of capital, is free. Would that the workmen of this country had always shown themselves worthy of the recent removal of the old restrictions on the power of demanding what wages they chose, and of uniting to enforce this demand. But your crime is this—namely, that you, along with some of your associates, invaded the house in which a person lived who chose to be satisfied with lower wages than you and they were holding out for; that you did this under cloud of night, and when the inmates were in bed; that with sticks, stones, and menaces you broke open the door, and even shook bricks from the partition in which it was fixed; that you threw the inmates into a state of great terror and alarm; and that you compelled the workman you were in quest of 'under terror of personal violence, and in fear of his life, to swear or promise, that he would leave the cotton-mill in which he was then working.' Now, all this is bad; but its chief guilt consists in the motive and object for which it was all done. This object is set forth to have been 'for the wicked and felonious purpose of compelling a workman to leave his employment,' in order that you might thereby give efficacy to your own demand. This is your crime; that you tried to deprive that man of the disposal of his own particular labour—that, not content with the liberty of selling your own strength and skill at your pleasure, you denied that liberty to another; and attempted, by violence, to dictate to that man the terms on which he should sell his. For this crime, and for its attendant circumstances, you are to be transported for seven years. If you think this punishment severe, this can only be because you choose to shut your eyes to the wickedness and to the plain consequences of what you and others have been doing. The labour of a poor man is his principal property; and he who robs him of this makes him a beggar. Yet there are masses of people who set themselves up as the dictators of the market of labour, and who have the audacity to band themselves together in defence of this tyranny. These persons not only abstain from working themselves, which the law leaves them at perfect liberty to do, but they proclaim that nobody else shall work for less; and if their insolent mandate be disregarded they enforce it by violence, and then declare themselvesthe friends of free trade. How anything so iniquitous and absurd should ever enter the minds of the educated people of Scotland has always appeared to me incomprehensible."

He referred the House to this address, which he believed to be accurarely reported, as a fair exposition of the opinions of the judges on the subject. He should not consider it necessary for him to dwell further on the details of the law of this case, if it were not that elsewhere there had been statements made impugning the conduct, nay, attacking in the most violent terms, the conduct of those who had instituted the prosecutions in Scotland. It was said, elsewhere, that these prosecutions had been conducted in the most bungling manner, that there had been every sort of blunder committed, and that in consequence of those blunders the trial had been delayed, and the individuals had been subjected to a long and severe imprisonment. His answer was, not merely that the statement was on the whole not true—but that it was the very opposite of anything approaching to truth. With respect to the indictment, his answer was, that lawyers of great ability had it for a long time under their consideration, and the result was, that the court unanimously sustained it. On what ground did any noble and learned Lord, in any place, consider himself entitled to assert, without saying what it was, that there was any defect or blunder—on what ground did he consider himself entitled to make such an assertion, not only against the whole of the authority of the professional persons who had been engaged, but in opposition also to the authority of the court? It was not a little extraordinary even if there had been mistakes—if in a case of such great interest there had been some oversight. Was it not novel with those who had belonged to the profession of the law to talk in that tone, and with that feeling of the proceedings? But when there was no foundation whatever for the remarks, when it was quite clear that there was none, it was extraordinary that any individual who had filled a high legal station for years with honour and credit should make a statement, not only reflecting on lawyers of the highest eminence, but even without the least foundation in point of fact. The statement was, that the trial had been delayed. Now, before the trial came on, and before its result could be known, he had explained that the reason why the trial had been delayed was, that the public prosecutor had received some fresh information. And was he not justified in obtaining all the important information that he could? He entered the court with a belief that the trial would come on, but after the argument of counsel accounts from Glasgow were received from the sheriff, stating that some important documents, which before it had been impossible to recover, had been obtained, with other important evidence, and it was left to him to say whether the trial should go on or not. Now, in a case of this sort, in which murder had been committed, would any public prosecutor have hesitated to delay the trial, in order to avail himself of the fresh evidence. He desired the sheriff to pursue his inquiries, which he did, though with the greatest difficulty. He could not see the witnesses except by stealth, without exposing them to the persecution of the association; and was it to be told in the high places that this trial was delayed in order to recover blunders and errors—blunders and errors that existed nowhere but in the fancy of the noble and learned Lord who thought proper to make that statement? He supposed that the noble and learned Lord could not be aware that he had stated the ground on which the trial had been delayed, because he could not imagine that if he had been aware of that statement, he would have made the observations he did in reference to a person whom that noble and learned Lord had known for forty years, whose character, however inferior it was for talent and ability, had at least been not less distinguished for straightforward conduct and veracity than even that of the noble and learned Lord himself, honourable as he believed his character to be, but in that humble and low attribute to which all men might lay claim, he thought he was not guilty of any remarkable presumption in saying that he considered himself his equal. Whatever had been remarked about his own abilities as a lawyer was comparatively of small importance, but the charge made affected not only himself. He did not suppose that it was meant to attack him personally, but, fearing that it might affect other persons, particularly a very able and rising man in his profession, when it was charged that there had been gross delay, he felt it to be his duty to come forward and prove to the House that this case had been conducted not only with perfect fairness, but he trusted with zeal, humanity, and moderation. He considered that the explanation he had given was due to the Government, which had been attacked on account of these prosecutions, for the misplaced confidence which they were said to have reposed in those who conducted them, but above all, to the country, who have a right to expect that in such matters as this, concerning the freedom, the rights of property, and the lives of a large and valuable portion of the community, justice should be zealously, humanely, and impartially administered.

Sir *E. Sugden* said, that, in his judgment, it had been proved that the prisoners were rightly found guilty, and that the punishment was not greater than was necessary. He had looked over the evidence with the utmost attention and that suspicion which such evidence induced; but it did appear to him on the evidence, without feeling any bias from other causes in operation on his mind, that he could not have voted for the motion of which the hon. Member for Finsbury had given notice, but had since, as he understood, withdrawn, for an address to the Crown, praying the commutation of the sentence which had been passed on the five convicted cotton-spinners. It appeared to him that no case had ever been investigated with more attention. No advantages had been taken, as far as he could find, against the prisoners in any particular, while the atrocity of the offence was greater probably than any of which man could be guilty. There was no crime, and the fact was never shown to a greater degree of clearness than in this case, to which combination rising into conspiracy could not instigate. A more atrocious case, he must say, he could not conceive; and that the law had not been exercised rigorously in it he felt himself bound to declare. The system of combination which prevailed was worthy of the best attention: in the case in question, it appeared that the sums expended on the part of the association exceeded in amount 10,000*l.*, and while the workmen were going into this expenditure hundreds and thousands of persons dependent upon them were thrown out of bread. When the hon. Gentleman opposite (Mr. Wakley) said that that House was not sufficiently sensible to the interests and wishes of the lower orders, he answered for himself and for hon. Gentlemen near him, and he believed that there was not a Gentleman in that House who did not sympathise with every true interest of the poor, and he believed that he who could prevail upon them to lay aside their combination would prove their best and truest friend. As to the hon. Gentleman's remark of the harshness of these proceedings, he would say, that the harshness of these combinations and the excessive cruelty was such, that if the law inflicted the one-thousandth part of it, there would be no end to the complaints that would be made. Upon the whole, he had come to the conclusion, that the evidence justified the verdict, and that the sentence which had been passed ought not to be commuted under the peculiar circumstances.

Mr. *O'Connell*, as well as the learned Gentleman who had just sat down, had also read the evidence with great attention, and he felt that it gave the House no right to impeach the conduct of either the bench, the jury, or the prosecutors. He thought his hon. Friend was right in not pressing his motion for a mitigation of punishment. He did not see that there was any fair ground stated for an inquiry into the Glasgow case in particular; but if the system which had been so properly denounced prevailed more extensively—if combinations, not only illegal, but despotic and tyrannical, existed in any part of the empire, it was the duty of the House to give protection to the labourer, so as to enable him to dispose of his labour freely. He believed that no laws could have been more unjust than the combination laws were before they had been repealed by Mr. Hume's Act. Two persons meeting together to raise to its highest price any commodity, if it were not for labour, might so combine; but the moment they met to raise the price of labour they were considered to be guilty of a crime in the eye of the law. It was true that employers might also be found guilty of a crime, but then it was almost impossible to detect them, and they were also protected by their wealth; but the poor man was easily detected and punished. He had felt it to be his duty, and a most painful one, to take an active part in the matter, and this at the risk of a great deal of his popularity. He had in doing so of course been misrepresented; and he would avail himself of the opportunity of stating what his objects were. He was quite content with Mr. Hume's Act, and was extremely anxious that the labouring classes should have the full benefit of it. It repealed an unjust law; and he did not wish for any more law, certainly, than was to be found in Mr. Hume's Act. He called it Mr. Hume's Act. He did believe that whenever the country lost that hon. Gentleman—and he conceived that whenever it did happen it would be a great loss — but that no more honourable inscription could be placed on his tomb than that he was the person that brought in that Act of Parliament. That at least was his belief. That Act stated what it was that was permitted to be done in future. It allowed combination to every class of workmen. They could combine and agree together to obtain more wages than they had before, or to prevent their wages from being lowered. It was fair for them to combine for such purposes. This they could do for themselves; but the moment they attempted to coerce others, the moment that they carried the effect of their combination to any other individuals, that instant crime commenced, and they were not only guilty of a crime in the eye of the law, but also of a moral crime, and they inflicted a robbery upon others. The hon. Member for Finsbury seemed to think that the sentence which had been passed was contradictory to the Act of Parliament, for having read those particulars which were not included within legal combination, the hon. Member said that the punishment for any of those offences was only three months' imprisonment. The hon. Member had not read the Act with the eye of a lawyer. The crimes were made so punishable by a summary process by the seventh section; but the Legislature, in allowing a summary process before magistrates, only limited the punishment to persons "being convicted thereof in the manner hereinafter mentioned." Where there were no judge and no jury to decide, and where the summary process was permitted, the punishment was not to exceed three months' imprisonment. But where there was an indictment for a conspiracy, then the case would be tried before a judge and a jury, both in England and Ireland; and if a conviction took place, a much longer punishment could be inflicted: and, as it seemed in Scotland, even transportation could be imposed. There was, then, no violation of the Act on the conviction that had taken place. The object of the Act was to secure individual freedom. The very recital of the Act showed that it was intended upon the one hand to make combination perfectly legal, and upon the other, to punish the infringement upon the rights of third persons. The Act had been called the great charter of the workmen of this country, and it was so. That charter distinctly recognised the right of each individual to his liberty, and the law protected that individual in the exercise of his labour. The efforts made by combinators to raise their wages when confined to themselves were legitimate, and as long as they kept within the bounds of the law they ought not to be disturbed; but it appeared that they had forgotten the maxims on which they ought to act. They were not entitled to wages out of capital; they were only entitled to them out of profits, and if their employers made no profits the wages must decrease. Wages, which were the price of labour, must depend upon the demand; and when the supply was greater than the demand, the price of labour of course must be lowered. This was the condition of Ireland; there was a great supply of labour, and a small demand for it. Labour was in such quantities that labourers were ready to accept the small wages of sixpence a day. Labour there was so cheap because there was no demand for it. The question, then, in Ireland was, how was the demand to be created? There was but one way of creating the demand. It was only to be created by tempting capitalists to the country, in order that having cheap labour they might have profits from it. The misfortune of Ireland was, that workmen, impatient of their present state of suffering, did not wait for a gradual and progressive improvement, but they endeavoured by monopoly to obtain that which ought to arise from the competition of employers. The workmen of the city of Dublin (for his attention was directed to Ireland) sought a remedy in monopoly. They had endeavoured to narrow the supply, in order that the demand might be kept up and the amount of the wages preserved. The demand did not equal the quantity of labour in the market. The combination had for its object to close the market of labour; it sought to keep persons from entering into a competition in the market of labour, and to raise the wages by diminishing the supply. The monopoly was almost complete in Dublin. There was nothing to equal the regulations and the arrangements for keeping up that monopoly. The right hon. Gentleman had well said, that there was no tyranny equal to that which was exercised by such persons over their fellow-labourers who endeavoured to carry their own labour into the market. He had wished to show those persons the folly of their course, as well as its illegality and wickedness. He had wished to show them the evils and the defects of their monopoly. He had interviews for hour after hour with the deputation of different trades, and he must say, that he had never met with men of more ability, seldom with men of more information, and never with men of more talent in putting their views of their own case; but, instead of discussing individual cases, he had wished for a public discussion. He had sought for, he had challenged public discussion. The authorities of the city of Dublin had sanctioned it; he had made two efforts at discussion; the employers all attended for the purpose of discussion; they were ready to discuss the subject, and to show how injurious the monopoly was to the tradesmen themselves. These attempts were vain; for the workmen, by an organized arrangement, overpowered the employers, the authorities, and himself. They refused to hear him; they would not listen to him, as they acknowledged; they did not deny the violation of the law, and they expressed their determination to persevere in it. They had objected to the discussion—they refused it. He had at least done his duty, and the fault was not his, the crime was theirs, and if punishment followed from it they must blame themselves for it. He had stated that there was combination in Dublin, the workmen were associated in regular bodies, and he had now to show the effects of that combination. The plan they adopted was this:—It consisted of several parts; first, there was a large sum charged for admission into the regular bodies. The object of this was to make the monopoly as close as possible. The next was to limit, as much as possible, the number of apprentices. His hon. Friend had talked of his being an enemy to the limiting the number of apprentices. The law said there shall be no limit to the number of apprentices. The tradesman said that if they did not limit the number of the apprentices the avarice of the masters would induce them, for the purpose of receiving a fee, to take a great number of them, and thus to overstock the trade. He wanted to know if there were not in the nature of things a remedy for this. The masters took, it was said, the apprentices for the sake of the fee. Surely it was the duty and the wish of the parent to take care of his child. Was not the guardianship of the parent a good and sufficient remedy for any such case? Surely the father would not throw away his money and the time of his child by sending him to a trade likely to be overstocked. Surely this would be much better than any regulations of trade. Surely, if any human being had a regard for anything, it must be for his money and his child; and yet the legislators of the trade said it was necessary for them to have the guardianship of grown-up parents over their own children, and to prevent them throwing away their money. The next regulation was to compel workmen not to work under a minimum rate of wages. These were so high that no employer could have sufficient profits to enable him to give any man more than a minimum rate of the wages. They prescribed a minimum rate of wages, so that the best workmen would not receive more than the worst. This was one of the rigid and iron rules of the carpenters, that no man was to receive less than 4*s.* 8*d.* a day; while uneducated labour was not paid more than 6*d.* a-day. The carpenters insisted upon having 4*s.* 8*d.* a-day, and they took away the funds for paying the skilful workmen who might and ought to be paid twice as much as the unskilful workmen. Many men could earn much more than others, and the employers would be glad to give higher wages, but that they were compelled to give high wages to the worst men. The next rule was, not to leave the choice of workmen to employers. Each workman's name was put down in a certain order in a book, and, if an employer wanted a workman, he had to take that person whose name was the first in the order of the book; and if the employer refused that person he could not get any other workmen. That was the tyranny exercised over the master. The employer, to be sure, might turn away that man, but then he must go back to the book and get another. The carpenters carried it to this extent, that no man could take less wages than that settled by them, even if turned away a unskilful; if the same man were turned away a second time as unskilful, he must still receive the same rate of wages. If the same man was then turned away, and a third employer objected to give him the same rate of wages, he would do so at the risk of having his business stopped. Then, if turned away a third time as unskilful, there was a jury, consisting of three of his comrades, to decide upon the complaint of his unskilfulness, and if he was found not to be a skilful man, then "the indulgence" was allowed to him of taking a less rate of wages. The rules of the carpenters illustrated the system of combination in Dublin, and if the House would indulge him he would read some of their rules. The first rule was this:—"That every person from the country, not having worked more than one month in the city of Dublin, or within ten miles thereof, being desirous of becoming a member of this community, shall be admitted on paying the sum of seven guineas; and ten guineas to be the admission of colts, each person paying half the sum at first payment."—The sixth rule is this—"That no carpenter employer be allowed to take or hold more than three apprentices at any time, that is two indented and one transferred, or two transferred and one indented; the transferred boy or boys must be in all cases those who were originally bound to regular employers or regular operatives. No firm to take advantage of this rule, as there are no more apprentices allowed to any firm than there are to any single or individual employer." He believed that a more glaring, or more daring violation of law than this had never been heard of. He could show the right hon. Gentleman opposite, that the effect of such regulations had been to lessen the number of employers. There was another rule (the 17th) which precluded any member from giving a detailed return for any work, except for jobbing. So that an employer could not have a detail of the day's work from one of his men. He now turned to the twenty-sixth rule;—"That any member of this community, on proof of his being discharged from three different employments for inability, to be proved by three of his shopmates, one from each employment, men of known integrity, may get indulgence for what wages the committee and his shopmates may think him worthy of." Now, who, he asked, having capital would not dispose of it, as soon as he could, rather than submit to this dictation. What had occurred since this species of combination had commenced? The cotton-printing had been established in Belfast; it had since been transferred to Dublin by Mr. Henry. The cotton-printing was carried on in Belfast by Mr. Grimshaw; and the combination had reached to such an extent in two years that the proprietor was not allowed to pay higher wages to one man than to another. The proprietor had 107 persons in his employment. He stopped his manufacture for some short time; the workpeople would not relent; the proprietor eventually abandoned the business, and that number of persons were thrown out of employment. In Bandon an extensive manufactory was established; the proprietor obtained a large contract. He bought machinery, the workmen waited until he had erected the machinery and they then turned out for higher wages—they said to him, "We know that you have got a contract in Spain and in Portugal, and you must therefore give us higher wages. The proprietor worked out the quantity which he was by writing bound to supply, and then abandoned the manufactory. The consequence was, that there was lost to Bandon ever since, wages to the amount of from 10,000*l.* to 12,000*l.* a-year. What was the consequence of the proceedings of the tradesmen of Dublin? Why, that wages to the amount of 500,000*l.* a-year was driven out of Dublin. Give him inquiry, and he had witnesses ready to prove this fact. Not only was this the fact, but portable articles were brought ready made into Dublin to an extent that would be actually ludicrous if it were not horrible. In the foundry trade alone he would be able to prove to demonstration that 10,000*l.* a-year in wages was lost to Dublin. Mr. Classon, a most respectable gentleman connected with that business, stated this at a public meeting. Another gentleman, a manufacturer in the same line, of the name of Sheridan, made a statement at a parochial meeting in Dublin, which if the House would permit him he would read. After stating a few facts relating to the Eagle Foundry, Mr. Sheridan went on to state that in consequence of the rules and regulations of the tradesmen in his employ, they were completely his masters, and he was obliged to bow to them in every respect; that business was driven out of the country every day in consequence of the manufacturers being prohibited from employing boys, and other rules of a similarly restrictive nature, and the consequence was, that Dublin lost the advantage of having many articles manufactured in it. In order further to show the degree of tyranny that was exercised over the employers, Mr. Sheridan stated a particular instance in which an industrious man who had been long in his employment, and who had given great satisfaction, on being asked if he wished to have anything done for him, replied that he had a boy, his son, who could read and write, and that he would be obliged to his employers if they would take him as an apprentice. Mr. Sheridan agreed to take the boy as his apprentice, but his workmen immediately turned out and he was obliged to turn off the boy. The combination of tailors in Dublin had raised the price of clothes so high, that young men found it worth their while to go to Glasgow and stop a couple of days there to get their clothes, and they actually paid the entire expenses of this trip by the saving in a single suit of clothes. [*A laugh.*] This was ludicrous enough, but it was true. There were a number of other instances of this kind, and the result was, that business of this description had totally left Dublin. No business could better illustrate this subject than that of ship-building. He remembered that there were at one time in Dublin four principal ship-builders; there were a number of ships built there, and docks existed which were very convenient for that purpose. There was not a single ship-builder there at present, and not a single ship was built there. There were nothing but boats built; and when any vessel put into Dublin in need of repair it was merely cobbled up so as to insure its safety across the channel, or to Belfast or Drogheda. Thus was the trade of Dublin annihilated. The employers were prevented from taking apprentices, and from employing any but the regular men, and one man who worked in opposition to the regulations of the combinators, on coming into Dublin across the canal bridge, was in the presence of upwards of twenty persons, assassinated. One of the consequences was, that ship-building was totally driven out of Dublin; and notwithstanding the failure of trade, when on a late occasion Mr. Fagan had two boats built on a new principle, and finding them useful gave an order for ten more, the moment he did so the workmen turned out and prevented him from building them in Dublin. The contract was taken to Belfast and executed there, and the very timber to make the boats was conveyed from Dublin to Belfast. Since the passing of the combination law four murders had occurred in Dublin, and though the combinators did not with their own hands commit these murders, yet they paid three shillings a week out of their wages for the hire of these assassins. This he was fully able to prove. He had asserted it in the presence of the parties themselves, and though certain persons said that they had nothing to do with it, yet no one denied the existence of the fact. These men, then, who paid the murderers, did not individually commit the crimes themselves, but they contributed, by payment, to the commission of crimes from which individually they would shrink. In Cork, within the last two or three years, no less than thirty-seven persons had been burnt with vitriol so as to lose their eyes, while in Dublin four murders had been committed between the time of passing and the repeal of the combination law, and three more recently. There were daily outrages, and who, he would ask, committed those outrages? It was well known that they were committed by a body of men called Welters. It would be very hard to get legal evidence against these men. There had been so little sympathy in Ireland between the governed and governors for many years, that no man who came forward in aid of a Government prosecution would feel himself safe. It was therefore difficult to get legal evidence; but there was abundant to satisfy any man of the number and nature of the crimes of these men. There was not a day but some crime was committed. On Thursday last the House of a timber-merchant was set on fire, after he had received twenty-two notices. Thus, though the tradesmen themselves did not actually commit murder, they were enabled by means of these Welters, who were ready to commit any crime, to control their employers. About a fortnight before he left Dublin, he was informed by a manufacturer that a man and his wife in his employment had died of the cholera, leaving two orphan children. The master agreed to take these orphans as apprentices without any fee, and to support them during their apprenticeship; but his men turned out and obliged him to discard the two orphans. So terrible was the power of the Welters that this gentleman did not dare to resist their mandates. If the House would allow him, he would read two cases that had occurred within the last two months before the courts in Dublin. They would give a better idea than any thing he could say of the extent of the power of the system instituted by those men. On the 4th of January two men, of the names of Quin and Murphy, were tried for beating a man violently. The evidence went to show that the only offence of the prosecutor was his not belonging to the combination, he not being able on demand to give the sign of recognition. The other case occurred on the 11th of January, when a man and his wife were severely beaten, merely because the man was not a combinator. Did he complain of the police of Dublin? A change had taken place, and the police of Dublin was now as different as possible. But he thought he had a right to say, that the magistracy of Dublin required to be changed. He did not complain of any designed faults, but Mr. Blacker was now ninety years of age, and was still a police magistrate. Major Sirr was eighty-two years old, and Alderman Darley was seventy-five. Men who had served fifteen, twenty, or thirty years in the police, ought to be removed by the Government, and why did not Government remove them? Police magistrates were entitled to retire after a certain term of service, but with only two-thirds salary. This was a false economy. It would be much better, after men had served for twenty or thirty years, to allow them to retire with their full salary. He hoped Government would consider this, and allow those gentlemen to retire on a full salary, and to appoint an efficient magistracy. He thought he had made out a complete case for inquiry. Had he made out his case as if he were the enemy of the tradesman? He had made out his case as the friend of the child whom he wanted to have educated in trade. He had made out his case as the friend of the good workman, who ought to receive large wages. He had made out his case as one who wished to see capital and the number of employers increased, by which the labourers would legitimately obtain larger wages. Could any thing be more abominable than the present monopoly; and were men to be allowed to enter into these combinations for the purpose of committing injury and injustice upon others? Was there any other country in the world in which it was so desirable to encourage the employment of labour as in Ireland? The capital in labour was immense, and the increased wealth would be immense if the capital were employed. If he had not made out a case satisfactorily he would refer to a statement made by the merchants of Dublin, which was of a terrific nature. The hon. and learned Member read certain resolutions passed at a meeting of the merchants of Dublin, denouncing in strong terms illegal combinations, and setting forth many of the regulations of the combinators which were in direct violation of the law of the land. He saw in a petition which had been presented by his hon. Friend, the Member for Finsbury, that this meeting, at which these statements were made, was composed of repealers. Who were these repealers? The Lord Mayor of Dublin, the sheriffs, the aldermen, the entire corporation, with whom he had been battling all his life, bankers who had several of them taken an active part in politics against him, a class of merchants of the same description, and, in fine, many who agreed with him in his general politics, but who totally differed with him in his struggle for a separate Parliament; but all of them had agreed to the resolutions to which he referred. It was manifest that the House could not refuse this inquiry. The only question appeared to him to be whether the inquiry should be extended to Great Britain, or confined to Ireland? He claimed that it should be extended to Great Britain, and for these reasons:—It was from Manchester that these unions came; and in a proclamation which had lately issued from the unionists of that town, he (Mr. O'Connell) was called the deadly enemy of the tradesman, and the tradesmen of Dublin were told that until they freed themselves from him they could never obtain their social rights, that with him they were not safe, but that without him they would be able successfully to struggle for their rights. This seemed very much like an invitation to make short work of him, but he did not think that such could have been the intention. Look, again, at the murder of Smith, in Glasgow, one of the chief towns in moral and educated Scotland. Was it true or false what the witnesses of the Crown had sworn to on the late trial? Were not the facts of a nature imperatively to call for inquiry? But were there no recent instances in England? Had they not read, in the newspapers of the week, language applied to the Poor-law of a most dreadful nature? Had not that measure been misrepresented in every possible way, in order to inflame the minds of the people? At the meeting held at Manchester, on Monday, the 5th of February, delegates from forty-eight places attended, amongst others from Bolton, Macclesfield, Salford, Liverpool, Wigan, Oldham, Preston, Stockport, Warrington, Hyde, Huddersfield, &c. The Rev. Mr. Stephens spoke in this strain —"If this Bill were established, it should be eye for eye, tooth for tooth, wife for wife, child for child, man for man, and blood for blood, so help him God." At Stockport, on Tuesday, February 6, 1838, the Rev. Mr. Stephens figured again, and in concluding a speech on the same subject, said:—"A man whom he had never seen before, told him he had come from an agricultural district, and that rather than be separated from his wife he had prepared a knife for the parties who made the separation. He had come into this district to obtain work, and having done so, he had a knife ready for any guardian who should attempt to separate his wife from him. This was the universal feeling of the district; and although he did not coincide with it, it was sufficient to show the law would not be submitted to." Mr. Oastler followed in like spirit: —"He knew that hunger and insult would produce effects more oppressive and awful to certain individuals than even the Commissioners' conduct had been to the people. He knew that the assassin's knife would be used." At Rochdale the Rev. Mr. Stephens said, "If it were right to confiscate the property of the people, by abrogating the 43d of Elizabeth, it would be right to confiscate the property of Rochdale, and it is right if the law of Elizabeth is to be destroyed, it is right for the poor to take a dagger in one hand, and a torch in the other, and do the best for themselves." Mr. Fergus O'Connor alluded to the "arch-fiend, Mr. O'Connell." Every allusion to Mr. O'Connell at this meeting was received with loud disapprobation. Several called out that Mr. O'Connell ought to be shot. Mr. Oastler said—"I tell you, Churchmen and Dissenters, before I would submit to such an act, I would set the whole kingdom in a blaze. I am no incendiary but I have affection in my heart; I am willing to work, and should not blush to ask for my parish pay; but if I am told I should not receive it unless I consented to be separated from my wife, I would, if I were to be hanged for it, kill him on the spot." These were specimens of the language held out to the working people of this country and of Scotland—the knife, the torch, and the dagger, were the weapons recommended; and the Rev. Mr. Stephens said at Glasgow, that he would involve the whole country in a flame before he suffered this act to come into operation. If this state of things was proved in England and in Scotland, was it not desirable that an inquiry should be instituted to ascertain the extent to which it had gone not only in Great Britain, but in Ireland also? Did he want to re-enact the laws against combinations? No; he desired no such thing, for some combinations were not only harmless, but meritorious; and he wished to separate unions of this kind from those of a pernicious character. He did not care for being called the enemy of the working classes, whilst he felt satisfied in his own conscience that he was acting as their best friend. He had not yielded to the taunts and malignity of the aristocracy when he thought that he was in the right, and he should certainly not now give way to the working classes upon a point in which he considered that they were decidedly in error. It had been reported of him that he intended only to direct his observations against the working men, and to exclude their employers from inquiry. Such was not his intention, as was clearly proved by the terms of his notice on the paper; his object was to make the inquiry as complete and searching as possible, and to bring it home to all parties. With these observations, and thanking the House for the indulgence it had extended to him on this occasion, he should conclude by moving the amendment of which he had given notice, namely, "That a Select Committee be appointed to inquire into the origin, nature, and extent of trades' unions or combinations of workmen or employers of workmen in the United Kingdom, and the tendency of such unions or combinations to affect the free distribution of wages, labour, and employment, and also their tendency to induce the commission of outrages against persons and property, and the perpetration of murder; and also to report such suggestions for improvement in the existing laws against illegal combinations or societies as they may deem requisite."

The *Chancellor of the Exchequer* said, that before the amendment was put, he would beg leave to state to the House, in the absence, from indisposition, of the noble Lord, the Secretary for the Home Department, what course the Government intended to pursue on the present important question, and he felt satisfied from all the observations he had heard during the evening, that that course would be consonant with the views of all parties. This was a subject of all others that required the unanimity of hon. Members, that the public might know that the House was about to legislate for the benefit of the whole community, and he thought it would be expedient that hon. Members should merge minor differences, and at once go to the principle of the question. Although he thought the House would generally agree with the views of Government, he did not calculate on the support of the hon. Member for Finsbury, whose original proposition was for a Select Committee to review the judgment of the Court of Justiciary. [Mr. *Wakley*: I disclaim such an intention.] If the hon. Member's present motion had not the boldness of that of which at first he had given notice, it still contained all the objectionable matter. His inquiry was not to be general, but in reference to the particular case of the five convicts. He hoped the House would enter into the inquiry generally which Government were about to institute free from any warmth or party exasperation, but in that spirit of anxiety for doing justice between master and man which had been pointed out by the hon. and learned Member for Dublin. He would beg leave, in the absence of his noble Friend (Lord J. Russell) to move as an amendment, "for a Select Committee to inquire into the operation of the 6th of George 4th, and into the general constitution of trades' unions, and also of the combination of workmen and masters in the United Kingdom, and to report to the House thereon." It was important that, as the three countries were blended, the inquiry should apply to all. He wished again to state on the part of his noble Friend, that the object of the Government in moving for the Committee was not to work any wrong or injustice towards the working classes—it was not to impose any fetters or disabilities upon them, but its object would be to protect them in their just rights and interests, and to secure to them the free use and exercise of their powers. If there were any countries in which that protection was more necessary than in others, those were Great Britain and Ireland; in Great Britain, where mechanical means interfered with the increased demand for human labour, it was necessary, because the same spirit of combination which was directed against the employment of workmen also acted against the use of machinery, and in Ireland protection was necessary to secure to the working man his capital—his labour. He should greatly neglect his duty if he did not take this, the earliest opportunity that had been afforded him, of saying (and he was sure all who heard him would concur) that the late efforts made by the hon. and learned Member for Dublin, who had risked his own popularity, who had exposed himself to all sorts of misconception on the part of those of whom he had so long been the great popular leader, who had placed all these considerations at risk by the discharge of a great public duty, were deserving of the highest applause. No individual had ever given a more splendid example of the strict performance of a public duty, or who had conducted himself more firmly in his endeavours to convince his fellow-men of the errors into which they had fallen. Such he knew to be the feelings and sentiments of those in Ireland who differed most materially on other subjects from the hon. and learned Gentleman, and he hoped it would be the opinion of hon. Members opposite, who were disposed to treat this subject fairly. Under all these circumstances, he should move, in place of the amendment proposed by the hon. and learned Member for Dublin, the amendment which he had already read to the House. At the same time he must state, that whilst it would be presumptuous in him to allude to the Scotch cases which had been matter of allusion in the course of the debate, still he could not avoid congratulating his learned Friend, the Lord Advocate upon the opportunity which to-night had been afforded him, and of which his learned Friend had so ably availed himself of answering the many attacks which had been made upon him in his absence, and of doing justice not only to his own conduct in the transaction alluded to, but to the conduct of those with whom he had acted. The right hon. Gentleman concluded by moving his amendment as already stated.

Mr. *Hume* was certain the working classes only desired justice, and on their behalf he trusted that the inquiry proposed by the right hon. the Chancellor of the Exchequer would be allowed to take place. He thought that if his hon. Friend, the Member for Finsbury, persisted in his motion, it would be said that he attached himself to one particular class, whereas he was sure his hon. Friend had in view the interests of all classes. He thought much blame and many of the evils might be ascribed to the masters, and he therefore was most anxious that the inquiry should be directed also to them. He rejoiced, however, that the Government had come forward to take up the general question. Allusion had been made to the repeal of combination acts; he begged to state, that since that repeal and the enactment of the existing law the evils of combination had not been one in twenty so numerous as compared to what they were before, and he regretted that from a mistaken policy the masters had not joined in and encouraged those combinations which were under the law most strictly legal—namely, the combinations which, in fact, afforded the best means of improving the condition of both masters and workmen. He thought that the expressions of the House to-night would convince the working classes, that while the House would support them in the assertion and maintenance of their legal rights, it would enforce the laws which had been so much violated, and that it would not countenance such tyranny as had been exercised by the working classes towards their own brethren. On these grounds he cordially supported the general inquiry under the management of her Majesty's Ministers. He therefore recommended his hon. Friend to withdraw his motion, and permit the amendment proposed by the right hon. Gentleman to be assented to.

Mr. *Harvey* approved of the amendment moved by the hon. and learned Member for Dublin in preference to the original motion of the hon. Member for Finsbury; at the same time he thought that amendment would not lead to any useful result; and he was also of opinion that the amendment proposed by the Government was much too narrow, for if the object of the House was a full, honest, and efficient inquiry into criminal combinations, it was important that all the circumstances which fostered and engendered those combinations should be subjected to full and ample inquiry. The inquiry as proposed by the Government, however, was limited, and if it was not intended as a prelude to future measures to affect the interests of the working classes, it was indispensable that the inquiry should be directed into all the circumstances and all the existing laws which affected the prerogatives and the property of labour. He should be delighted to hear that it was within the scope of the proposed inquiry to consider how existing laws, affecting not merely the wages of labour, but the means of subsistence, operated. He would not even exclude an inquiry into the operation of the corn laws. He presumed such was not the intention, and therefore he said this was not intended to be an honest inquiry, and therefore he should, after the Committee had been appointed, move an instruction to that Committee to inquire into all the existing laws affecting both the rights of labour and of property. A subject had been mentioned in the course of the debate to-night, and which induced him to ask what would be the use of this Committee. The Committee would doubtless furnish a ponderous report, and after examining witnesses from England, Ireland, and Scotland, it would suggest that something ought to be done, and it would do no more. Upon that report nothing would be done, and why did he say this? Why, because he heard hon. Members talk of a man plundered of property and robbed of station by a combination; because he had heard that the chairman of a committee who had reported in favour of the man so injured—that chairman a lawyer himself, wearing deservedly in his own country the distinction of his monarch—call that combination which had so robbed and plundered the individual alluded to of 100,000*l.* by a cruel combination; still that report had been allowed to remain a dead letter; nothing had been done by the House to vindicate one of its own Members who had called for that inquiry; neither had the officers of the Crown nor the Government had the courage to come forward and vindicate the result of that inquiry. If he had been a member of that Committee, he should have been ashamed to have allowed so long a time to elapse without taking some steps to vindicate the report. He had called upon the Government either to move his expulsion from the House, or to take some steps to crush the combination from which he, after twenty years' service, had suffered. Neither the House nor the Government had had the courage or honesty to vindicate the Report to which he alluded; and so it would be with the Report of the Committee now moved for.

Mr. *G. F. Young* was afraid, that if the subjects to be brought before the Committee were of a general nature, it would be attended with the "no result" which the hon. Member for Southwark seemed to anticipate. He feared that the distinction was not always observed, by those who advised the people between meritorious acts of combination and the conspiracies which led to the particular results which lately occurred. He himself knew the case of an engineer who came up to London from Glasgow, and was deprived of employment in which he had saved 20*l.* and supported his family, because if his employer continued him in his establishment, every other engineer would leave him. He rejoiced at the spirit which was manifested in this debate, and he trusted that the inquiry would be attended with the best results.

Mr. *Williams Wynn* responded most cordially to the opinions pronounced by the right hon. Gentleman, the Chancellor of the Exchequer, there was no period at which the opinion of Lord Cockburn quoted by the learned Lord Advocate was more apposite than at present. The opinion to which he alluded was, that no greater despotism could be exercised, not only over the country, but over the interests of the individual workmen themselves, than that which had been attempted. He was most anxious that this inquiry should extend to combinations of all sorts. It was impossible to shut our eyes to the fact, that the spirit of combination had existed in Ireland under many forms for several years past, and had manifested itself by preventing individuals from one party in that country acquiring land in another, by fettering the exercise of the elective franchise, and by affixing the symbols of death to the habitations of those who voted in a different manner to that in which their persecutors wished. When such combinations were encouraged it was not wonderful that the same spirit should induce men to perpetrate actual murder. He was, however, gratified at the general reprobation of these practices which had been expressed, and he trusted that if any measure should result from this inquiry it would not only affect tradesmen but include the acts of others, whether they related to the taking of land or the exercise of the franchise.

Mr. *Slaney* felt, that it would be a subject of regret if any impression should go abroad from that debate, that it was intended to restrict the labourer in his power of carrying his labour to the best market. He was convinced, that the proceeding which was intended would not have the effect of restricting any power which the labourer now enjoyed, but that it would only prevent him from exercising a most mischievous tyranny over his fellow men. When he heard statements relating to Scotland and Ireland, showing the crimes which arose from combination, he asked, what was the foundation of these things? It was because the people did not understand their true interests. They supposed they would improve their condition by the restrictions which they placed on their fellow-men; and, instead of doing so, they drove trade and the profits in which they shared from those places where they lived. It was truly stated, that the proportion of demand to supply regulated the wages of labour. It was utterly impossible to alter the natural demand, and nothing was more important than to impress upon the minds of the working people that they were attempting to accomplish an impossibility. It was absolutely essential to their own welfare and that of the country that the working men should be educated on these points.

Mr. *Hindley* rose to move that the debate be adjourned. It was a singular feature in this debate, that though the question concerned operatives, not one Gentleman who was in the habit of employing operatives had spoken. Had he risen earlier, he should have stated the result of his experience since the year 1825. He should then merely content himself with expressing the pleasure which he felt at having the subject taken out of the hands of the Government. It was most important that this inquiry should not have the appearance of an attack on the trades' unions. The trades' unions were to a certain extent beneficial, and to a certain extent injurious. He trusted that some salutary regulations would be determined upon, and that the inquiry would give entire satisfaction.

Mr. *Fielden* observed, that from the excitement which prevailed on this subject, nothing was more important than the appointment of an impartial Committee. If such a selection were made as that of the Poor-law Committee, that excitement would be increased, no satisfaction would be given to the country, and the most dangerous consequences might be expected. He should say a word on the sentence which was pronounced on the Glasgow cotton-spinners. It was the opinion of many Members of that House, and it was responded to out of doors, that the Government ought to pursue a course of forbearance respecting these men pending the inquiry by the Committee. If they were banished before that inquiry ended, it might become a question whether they were not unjustly treated, and whether they were not less to blame than others. It should always be recollected that these men were convicted only by a majority of one, and that if they had been tried in this country they would have been acquitted. If they were sent away, then, before the whole conduct of the workmen was investigated, a strong impression would be made that they had been dealt with unfairly.

Mr. *Wakley* replied. He certainly felt some surprise at the state of society which the hon. and learned Member for Dublin had described as existing in Ireland. He had been given to understand that, under the present Government, all was peace, prosperity, and tranquillity in that country; but it now appeared, that every day brought its concomitant outrage. Whether these practices proceeded from the tradesmen or others it was impossible for him to explain; but as a great deal of blood had been spilled in Ireland, as assassinations and murders were so numerous, he wished the inquiry to be as extensive and comprehensive as it could be made. There were many combinations in Ireland and England. In Ireland there had been the Orange combination, and more blood had been spilled in a single tithe affray in Ireland than could be laid to the charge of all the trades' combinations. If the rich had been instrumental in producing that sacrifice, let it be ascertained by the minutest investigation. Let there be an examination into all the combinations and monopolies established by charters and Acts of Parliament for the benefit of the rich, and opposed to the welfare of the poor, whose food was raised in price by partial and unjust legislation. What opportunity had the labouring man to obtain the best market for his labour but by combination? Were it not for the unions in London those who were engaged in them would be obliged to sell the produce of their skill at thirty or forty per cent. less than they now did. Let them give the poor the same means of protecting themselves that the rich enjoyed, and he would be satisfied. With respect to the immediate question before the House he would gladly avail himself of the proposition of his right hon. Friend, and withdraw his motion. When he opened the case of these unfortunate individuals he had stated, that there were circumstances that showed they were not guilty. Into these circumstances, however, he would not then enter. It was a fact, however, that he did not believe that one of them was more guilty of the charges alleged against him than were the nobles in the Orange lodges. He would take some opportunity of calling upon the Attorney-General to prosecute the latter. Certainly, he did not expect to get a vote from the other side on such an occasion. It was impossible to persuade the Gentlemen opposite to be liberal. They were utterly indifferent to the wishes of the people. Their case was entirely hopeless. He begged to call the attention of the House to the fact, that these persons were found guilty on only three counts of the indictment—that of illegal conspiracy, and two of assaults. But it did not appear that they were present at any of those assaults. There was nothing in the copy of the evidence which he had seen which connected them with the outrages in question. He would adduce in mitigation, not of the offence, but of the punishment, this fact, that the distinguished barristers in the Court of Justiciary who had defended the prisoners had taken the strong and unusual course of presenting to the Queen a memorial praying for a mitigation of punishment. He held in his hand the memorial, with the four signatures. The jury of fifteen found nine counts of the indictment not proven; and on the three counts which were declared proven the division was eight to seven. The minority of the jury signed a memorial declaring that in their opinion none of the charges were proved, and humbly begging for mercy to the convicted. He was, however, perfectly ready to leave the case in the hands of her Majesty's Government; and he begged leave to withdraw his motion.

The motion for a Select Committee was agreed to.

HOUSE OF COMMONS,

Wednesday, February 14, 1838.

Minutes.] Bills. Read a second time:—Exchequer Bills; Transfer of Aids.

Petitions presented. By Mr. Ord, from Newcastle-on-Tyne, and Mr. Ingham, from the Common Council of Berwick-upon-Tweed, for alterations in the Borough Boundaries Act.—By Sir R. Ferguson, from Nottingham, by Mr. Thornley, from Wolverhampton, by Mr. Craven Berkeley, from Cheltenham, by Mr. P. Scrope, from Stroud, by Mr. Hodges, from several places in Kent, by Mr. Williams, from various parishes in Coventry, by Colonel Salway, from several Wards in the Borough of Shrewsbury, by Captain Wemyss, from several places in the county of Fife, by Mr. Wakley, from Shefford (Bedfordshire), Gisborough (Yorkshire), and the parishes of St. George and St. Giles, Bloomsbury, by Mr. Etwall, from Andover, by Mr. Divett, from Exeter, by Colonel Davies, from Worcester, by Mr. Sanford, from two parishes in Somersetshire, by Mr. Walker, from Wexford by Sir W. Somerville, from Drogheda, by Mr. Pryme, from Bolton and Chester, and by Mr. Lambton, from places in Durham and Northumberland, for the Ballot.—By Mr. Barnard, from Deptford, by Mr. Pease, from a place in Durham, and by Mr. Blewitt, from Monmouth, for the abolition of Negro Apprenticeship.—By Mr. Hume, from Bolton-le-Moors, for Short Parliaments, Household Suffrage, and Vote by Ballot.—By Mr. W. Miles, from Somerset, for rating Owners of Small Tenements.—By Mr. Bramston, from the Board of Guardians of the Rochdale Union, to the same effect.—By Mr. Walker, from Shipowners in the county of Wexford, for a reduction of the duty on Marine insurances.—By Lord Sandon, from the Chamber of Commerce of Liverpool, for lower rates of Postage; and from the East India Association of Liverpool, for an inquiry into the fluctuations in the Currency.—By Mr. G. Young, from Millers and Merchants, to allow Foreign Corn to be ground in Bond.—By Mr. Hume, from Kilkenny and Galway, for the extinction of Tithes.

Sligo Election.] The Order of the Day for the further consideration of the petition of J. P. Somers, Esq., having been read,

Mr. *Freshfield* contended, that the preliminary objection which had been taken to the petition could not be sustained, and he would show that the practice of the House had been contrary to that suggested by the hon. Member for Roscommon. In one instance a petition had been signed by six persons, and it was admitted by a witness, whom the sitting Member intended to call, that the petition was not *bona fide,* but had been signed at the instance of others. The Committee, however, had decided that with respect to the five to whom that charge applied, they were not petitioners; but as a witness had seen the sixth petitioner within two days of the sitting of the Committee, when the petitioner had expressed his hope that the petition would succeed, and that was held by the House to be a sufficient interest in the subject. In the Nottingham case a similar judgment was entertained. In two cases objections were made that there was not a sufficient description in the petition, of the character in which the petitioner claimed to have the right to petition, and in those cases the Committee decided, that, inasmuch as the petition had been received by the House, they were bound to proceed upon it, and they therefore decided against the preliminary objection. Mr. Fox afterwards, in that House, upon petitioner having seen a defect, moved that the petition should not be proceeded upon. A debate took place. The Attorney-General objected to the House taking the discussion, on the ground that the subject was one for the consideration of an Election Committee, and the House decided in favour of Mr. Fox's motion. He would not detain the House further except to say, that if ever there was a case that was proper to be brought before an Election Committee, it was where the signatures were disputed, because the House did not allow election petitions to proceed unless they were properly subscribed.

Mr. *F. French* had never stated, that a Committee could not take cognizance of the signatures to a petition. He was quite aware of the Nottingham case and of the other cases to which the hon. Member had referred; but he felt satisfied that the proper course to adopt was to bring the subject under the consideration of the House.

Mr. *Williams Wynn* said, that it appeared to him that the present was not only an investigation which a Select Committee might entertain, but he thought the House was absolutely bound to send the subject to such a tribunal. Nothing could be gained by an inquisition before the House. The Committee was to be ballotted for to-morrow, and it must at once take cognizance of the allegation made against the genuineness of the signatures. If it was not the petition of the parties, then the Committee would give the sitting Member the costs of his defence.

Mr. *O'Connell* thought, the petition had better be referred to a Select Committee, because the whole House would be as clumsy a jury as it was possible to invent. He himself had never desired to be a judge. If the matter were referred to a Select Committee the real merits of the case would be thoroughly investigated.

The *Speaker* thought, it would be admitted by all parties that if an individual's name were forged in any petition presented to the House that was a breach of the privileges of the House; and if a petition were presented to the House containing such an allegation, it stated that which the House would recognise as a breach of privilege. In the present case, a petition had been brought under the notice of the House, which contained an allegation that the signatures attached to a former petition, yet to be considered by a Select Committee of the House, were forgeries. But then, looking at the case in connexion with the Grenville Act, the House would not take cognizance of any election petition, but acting ministerially, would appoint a Select Committee for the consideration of such petition; such was the course to be pursued in the present case, and as the Committee was to be appointed to-morrow, perhaps the more convenient mode would be to let the Committee examine witnesses as to the validity of the signatures, and if they found any of them to be forgeries, let them report the same to the House. If the Committee found that all the names were forgeries, then, of course, they would not proceed to try the merits of the petition. It would be very inconvenient, he thought, for the House to prolong a discussion on this case, which was within forty-eight hours of being referred to the regular tribunal. Therefore, without at all involving the question as to whether the House would delegate to the Committee any power to settle a question relating to the privileges of the House, perhaps the House would decide upon leaving the matter to the Election Committee.

Mr. *F. French* reminded the House that the whole of the signatures were alleged to be forgeries, and if that could be proved, there would be an end of the case. He believed that since the passing of the Grenville Act no case analogous to the present one had occurred. The cases of Athlone and Carrickfergus were not so. He would leave the House to deal with his proposition as it thought proper.

Mr. *Williams Wynn* wished to explain that neither directly nor indirectly had he had any communication with the hon. Member for Sligo, or with any other hon. Member as to the course which he pursued, for he was not aware that the question would come on, and did not, therefore, come down to the House till near six o'clock. He would not have taken the objection, but that he felt a judicial question of this kind ought not to be left to the consideration of the House, and that he was bound to state the point as it occurred to him at the time.

Colonel *Perceval* felt it his duty to state for the information of his hon. Friend, the Member for Roscommon, and for the information of the House, that he never was more astonished than by the speech of the hon. Member for Penryn, and never regretted anything more than that he should have interrupted the course of proceeding last night, or, indeed, that any proposition of the kind should emanate from that (the Conservative) side of the House. He felt, however, that there was a difficulty in bringing this matter before a Select Committee, and for this reason he was anxious that the witnesses should be called to the bar of the House, and a decision given upon it forthwith.

Mr. Williams Wynn moved that the order be discharged.

The House divided on the motion:—Ayes 128; Noes 142: Majority 14.

List of the AYES.

Acland, T. D.
Aglionby, Major
Ainsworth, P.
Alston, R.
Archbold, R.
Baines, E.
Ball, N.
Barnard, E. G.
Barrington, Viscount
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Blake, M. J.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Brotherton, J.
Buller, C.
Bulwer, E. L.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir J.
Carnac, Sir J. R.
Cavendish, hon. C.
Cayley, E. S.
Chapman, Sir M. L.
Chetwynd, Major
Clive, E. B.
Collier, J.
Curry, W.
Dalmeney, Lord
Darlington, Earl of
Davies, Colonel
Dennistoun, J.
Divett, E.
Dundas, Captain
Ellice, right hon. E.
Etwall, R.
Fitzsimon, N.
Freshfield, J. W.
Gaskell, James Milnes
Gladstone, W. E.
Goring, H. D.
Grattan, H.
Halford, H.
Hardinge, right hon. Sir H.
Hayter, William G.
Heathcoat, J.
Hobhouse, T. B.
Hodgson, R.
Howard, P. H.
Hume, J.
Hurst, R. H.
James, W.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Lascelles, hon. W. S.
Leader, J. T.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lushington, C.
Macnamara, Major
Maher, J.
Mahony, P.
Marsland, H.
Maule, W. H.
Morpeth, Viscount
Murray, rt. hon. J. A.
Nagle, Sir R.
O'Connell, D.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don.
Palmer, C. F.
Palmer, R.
Parrott, J.
Pattison, J.
Phillpotts, J.
Poulter, J. S.
Power, J.
Pryme, G.
Pusey, P.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seale, Colonel
Seymour, Lord
Sharpe, General
Shaw, right hon. F.
Slaney, R. A.
Smith, R. V.
Somerville, Sir W. M.
Stanley, W. O.
Stewart, J.
Stuart, V.
Strickland, Sir G.
Talfourd, Sergeant
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Wakley, T.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Whalley, Sir S.
White, A.
White, L.
White, S.
Wilkins, W.
Williams, W.
Wood, G. W.
Wood, C.
Woulfe, Sergeant
Wynn, right hon. C. W.
Yates, J. A.

TELLERS.

French, F.
Horsman, E.

List of the NOES.

A'Court, Captain
Adare, Viscount
Arbuthnot, hon. H.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Baillie, Colonel
Baring, H. B.
Barneby, J.
Bateman, J.
Bell, M.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Chandos, Marquess of
Chaplin, Colonel
Chisholm, A. W.
Christopher, R. A.
Clive, hon. R. H.
Cole, Viscount
Compton, H. C.
Conolly, E.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Creswell, C.
Darby, G.
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douro, Marquess of
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
Eastnor, Viscount
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Forbes, W.
Forester, hon. G.
Fremantle, Sir T.
Gibson, T.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Grant, hon. Colonel
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Halse, J.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hogg, J. W.
Holmes, hn. W. A'C.
Holmes, W.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hughes, W. B.
Ingestrie, Viscount
Irton, S.
Jephson, C. D. O.
Johnstone, H.
Jones, W.

Jones, T.
Jones, J.
Knatchbull, right hon. Sir E.
Knightley, Sir C.
Law, hon. C. E.
Lefroy, right hon. T.
Lewis, W.
Litton, E.
Lowther, hon. Colonel
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Maidstone, Viscount
Manners, Lord C. S.
Marsland, T.
Master, T. W. C.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Moneypenny, T. G.
Mordaunt, Sir J.
Neeld, J.
Pakington, J. S.
Palmer, G.
Perceval, hon. G. J.
Powell, Colonel
Praed, W. M.
Price, R.
Pringle, A.
Reid, Sir J. R.
Richards, R.
Rolleston, L.
Round, J.
Rushbrooke, Colonel
Rushout, G.
St. Paul, H.
Scarlett, hon. J. Y.
Scarlett, hon. R.
Shirley, E. J.
Sinclair, Sir G.
Somerset, Lord G.
Stanley, E.
Stuart, H.
Sturt, H. C.
Style, Sir C.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Wilberforce, W.
Wilbraham, hon. B.
Winnington, H. J.
Wodehouse, E.
Young, J.
Young, Sir W.

TELLERS.
Jackson, Sergeant
Perceval, Colonel

Witnesses were then examined who proved that the signatures complained of were genuine.

The motion was then put:—"That the allegations in the petition had not been sustained," which was agreed to.

CORK SESSIONS.] Mr. *Mahony* moved the second reading of the Cork Sessions' Bill, the object of which he said was to extend the provisions of the act of 1793, as amended in 1836, to the county of Cork.

Mr. *Jephson* opposed the second reading. The bill was very unintelligible; it had not been called for, and he believed, also, that it was not desired by the people of Cork. It was likewise opposed to the opinion of the assistant barrister of the eastern division.

Mr. *Shaw* said, he should be glad to know what the Government intended to do with this and several other bills relating to Ireland which stood upon the orders for that evening, forming a kind of wholesale legislation. With regard to this particular measure, he could bear his testimony to the assertion of his hon. Friend, the Member for Mallow—viz., that everybody in Cork was opposed to it.

Mr. *O'Connell* observed, that the objection of hon. Members to the bill appeared to arise from their not understanding it. The right hon. and learned recorder, however, might readily understand it, if he would take the trouble of applying his mind to it. The county of Cork contained as large a population as four ordinary counties. In 1824 it was divided into two ridings for sessional jurisdiction. The bill of 1836 enabled the Government to divide all the counties into ridings, and also gave the power of making additional sessional districts, but it did not include Cork, because it had already, in 1824, been changed into ridings, so that the bill of 1836 could not augment the sessions of the county of Cork. The object of the present bill was, then, nothing more than to ex end the bill of 1836 to that county, in order to increase the number of its sessional districts, they being at present so large that persons were obliged, in some instances, to go a distance of forty-five miles, to wrangle about a matter of a few shillings, spending perhaps, twice the amount on the road. This bill would remedy this; it was exactly what was wanted; but as he thought it would be better to allow it to stand over for a while, he would move, as an amendment, that it be postponed to that day week.

Viscount *Morpeth*, in reply to the right hon. Gentleman opposite, had only to say, that the Government could not prevent hon. Members from bringing forward such measures as they thought fit. It was the House that had allowed their introduction. With regard to this measure, he thought they should hear the opinion of the different Members, and of those in particular who were connected with Cork. There appeared to be sufficient difference of opinion amongst them both as to matter of law and fact to make it advisable not to proceed further without an understanding that it be referred to a Select Committee, or be postponed until the gentlemen of the county had an opportunity of consulting at the assizes, when his hon. Friend, the Member for Kinsale could endeavour to shape the bill in conformity with their views, and at the same time consistently with the public advantage.

Mr. *Goulburn* was of opinion, that this, and all measures relating to the administration of justice should be taken up by the Ministers, whose duty it was to consider how far the claims of the different places were well founded. He thought the noble Lord should take such measures into his own hands, or place them in the hands of legal persons acquainted with the localities, rather than leave them to individual Members of that House.

Mr. *Woulfe* perfectly concurred with the right hon. Gentleman that it was the duty of Government to attend to measures concerning the administration of justice; but, in this instance, the question did not exactly concern the general administration of justice, being a question rather of population, the situation of mountains, rivers, and roads, and the convenience of particular parties. He had already told the hon. Member for Kinsale, that the bill being one of local interest, he ought to consult those possessing a local knowledge of the subject. He would now add, that the Government would most anxiously pursue whatever course those individuals should determine on as most judicious.

Mr. Sergeant *Jackson* said, that in order to take from the proceeding all appearance of a job, it would be better to postpone the bill until the county could be consulted on the subject. He certainly thought such a measure ought not to be brought forward without the opinion of the county being collected, as the noble Lord the Secretary for Ireland himself suggested.

Debate adjourned for three weeks.

Church Property (Ireland).] Mr. *Mahony* moved the second reading of the Church Property (Ireland) Bill, and stated that the tenure of more than half a million of acres was in such a state as required the intervention of the Legislature for its amendment. One of the principal objects which he intended by this measure to effect would be to enable the University of Dublin and other similar corporations to grant leases in perpetuity in the same manner as the Commissioners were enabled to grant under the Church Temporalities' Act. If the details of the measure could be improved by any reasonable amendments on the part of the College, he should have no objection; and with a view to render the bill as perfect as possible, he proposed, if the second reading were agreed to, that the bill should be referred to a Select Committee up-stairs. He had but to add, that it would go to amend the 1st of Charles 1st, cap. 3.

Mr. *Shaw* objected to the proposed measure on principle, and he concurred fully in the prayer of that petition which he had already presented to Parliament on the subject. Hon. Members would be enabled, by the least reflection to see that the injustice of the bill was most obvious. The hon. Mover did not even profess to give the college the same compensation as was given to the ecclesiastical commissioners; considering, then, that it could not but prove detrimental to the college, he should move, that the bill be read a second time that day six months.

Mr. *O'Connell* would certainly oppose the bill, although he had a personal interest the other way. The college refused to accede to the proposed plan, and he thought that Parliament had no right to dispose of their property when that corporation was an opposing party He thought it would be better if his hon. Friend were allowed to withdraw his motion.

Viscount *Morpeth* said, he, in the course of the last year, had stated, that he would not be a party to any large measure on this subject without the assent of the college. That assent had been authoritatively refused, and he therefore could not go along with the hon. Mover in this bill.

Mr. *Lefroy* affirmed, that the proposed measure would be an infringement of the rights of private property, and therefore could not be committed without the consent of the parties interested.

Mr. *Mahony* still thought the measure just and necessary, and entertained no doubt that before long the opinion of the public would lead Parliament to its ready adoption.

Amendment agreed to and bill thrown out.

Custody of Infants.] Mr. Sergeant *Talfourd* moved the second reading of the Custody of Infants Bill.

Sir *E. Sugden* moved as an amendment, that it be read a second time that day six months. As the law at present stood the father was entitled to the custody of the children, and the Bill as now worded took away from the male parent that exclusive power, for it went to place both parents in this respect precisely on the same footing, for the power of the father was taken away by implication. To this Bill he objected on principle, and on this amongst other grounds that the law was bound to deal with general cases. He readily admitted that there was no more painful source of regret to a mother than to be debarred from access to her children, and therefore, he was of opinion that the very consequence which it was sought to prevent would be promoted by the Bill. A wise legislature, as it appeared to him, would seek to bind married persons by a common interest, and certainly no wise Legislature would hold out facilities for separation. It frequently happened that very trifling differences were the subject of dispute between married persons, and, assuredly, so far as the mother was concerned, the love of offspring formed the great means of preventing in such cases a separation of the parents. The great tie which prevents the separation of married persons is their common children. A wife was, in general, glad to have that excuse for submitting to the temper of a capricious husband. It was some satisfaction for an angry woman, indignant at the treatment of her husband, to say, "I would leave him immediately but for my children." What was the consequence of this reflection? that her anger gradually cooled down; that the clouds which for a while brooded over her happiness were dispersed, and that after a short lapse of time, she was herself the first to admit the absurdity of which she would have been guilty had she left the protection of her husband's home. Now this Bill, by providing the wife with the means of always commanding access to her children, removed many of the obstacles which stood at present in the way of separation. In married life, the differences between the parties generally arose from their not giving way mutually to each other in the earliest stages of the dispute. Some time generally elapsed before husband and wife accommodated themselves to each other's temper. If you opened a facility to separation between husband and wife at the very commencement of their union, you opened a door to divorces and to every species of immorality. It had been truly and beautifully said by one of our old writers, that any little thing could blast an infant blossom, and that the breath of the south could shake the little rings of the vine, which, after they had stiffened into the hardness of a stem under the warm embraces of the sun, could endure the storms of the north, and yet never be broken. It was the policy of the law, therefore, to give time for all the little feelings of mutual discontent between man and wife to pass away and be forgotten, and to afford an opportunity for the powerful ties of common property, a common home, and the same children to work their natural effect on the affections of both. He had seen it stated in a fable that the best way of reconciling the differences between married people was to confine them together in the same room, and to give them but one chair on which to sit, one table at which to eat, and one place on which to repose, and that this mode of forcing them to accommodate themselves to circumstances was certain to re-unite their disjoined affections, and to afford solid grounds for the stability of their future connexion. He was opposed to every measure which facilitated the separation of husband and wife, and that feeling led him to oppose this Bill, of which the principle led inevitably to separation. His hon. and learned Friend, the Member for Reading had stated several cases in which the best feelings of woman had been turned to her disadvantage, and he might even say to her oppression. He admitted that such cases did sometimes occur; but was there no danger on the other side? He was prepared to contend that there was scarcely a case of differences in married life in which a wife did not ultimately reap the benefit of submission to her husband, and in which, after her irritated feelings had subsided, she did not thank God a thousand times that she had not obeyed the first impulse of passion, which prompted her to leave the house of her husband, where it was most for the interest and comfort of her children that they should be maintained and educated. The certainty which he had acquired of this being repeatedly the fact would prevent him from ever affording any facility to separation. But this Bill was open to other objections. It not only led inevitably to separation, but it also tended to render separation perpetual. When the wife knew that she could not have access to her children, after leaving her husband's house, she was unwilling to separate herself from him for light causes: supposing this Bill to pass into law she would argue thus:—"I can now have access to my children when I please and I will separate immediately from my husband." The Bill also led to this consequence — it would enable a woman, though divorced from her husband by the deepest crime which a wife could commit, to demand and have access to her children, and for this plain reason, that she was a parent living in separation from her husband. The Bill was carefully drawn throughout in that respect. The word "parent" was used throughout, and a woman who had thus misconducted herself and disgraced her family did not cease to be a parent because she had forgotten the duties and perhaps even lost the title of a wife. The Bill seemed to contemplate such a case, and even to provide for it. Besides, there were other cases of great enormity, in which it might be fitting that the woman should have no access to her children. His hon. and learned Friend would perhaps say that his Bill left it to the judge to determine when the mother ought to have access to her children. Be it so; then let the House consider what would be the consequence of giving this jurisdiction to any one of the judges at common law or to any one of the judges in equity. The Bill proposed that any one of these judges should have the power to vary or repeal the order or decree of any other of their number. What would be the consequence? A wife leaves the house of her husband after a sharp quarrel on what she deems justifiable cause. She goes at once to an attorney and says, "I want and must have access to my children whom I left in the care of my husband." He replies to her, "Then you must make out a case." She rejoins, "I can do it readily," He then tells her "You must put your facts into the shape of an affidavit." She does so by the help of this disinterested adviser; and what will the affidavit contain? It will describe the wretchedness of her married life; not one incident which has occurred since her marriage to the disadvantage of her husband will be forgotten, and every accidental slight and unkindness will be magnified into an act of oppression and cruelty. A look of scorn, a word of anger, will be brought forward as a real grievance, and after all there will be no proper issue, as the lawyers say, for any court to decide, for it will never happen that a woman under such circumstances will rest her claim for access to her children upon any particular instance of cruelty. No woman will ever admit that she left her husband's home on account of a short quarrel of five minutes duration. No,—she will show, that she has endured patiently a long course of ill usage and cruelty, and that she did not leave her home until endurance was no longer possible. The husband exasperated by such an affidavit, will then give his explanation of everything that has occurred in his married life, and will meet her statement of grievances with a statement of her provocations, and, it may be, misconduct. He will endeavour to throw the blame on his wife, just as she has endeavoured to throw it upon her husband. It was proverbially dangerous to interfere in the quarrels of man and wife, as they generally both turned against those who interfered between them; and he should be loth to incur that responsibility, even though armed with judicial authority. There would be no end to the litigation over which the judge would have to preside. Facts would be asserted on one side, and denied on the other. Then the friends of the two parties would take share in their quarrels, and, as usual, would embitter them more and more. Mr. A., who had dined at the house with the parties, would speak to the use of some unkind word at dinner, and Mrs. B., who had her eyes always about her, would describe the withering effect of some scornful glance. The servants would be brought forward, and one half of them would swear one way, and the other half the other. Incontinence would be charged on one side, adultery on the other, and all this on affidavit, without any personal examination or cross-examination of the parties—and on all the *res gestæ* thus brought before him, the judge would have to decide one way or other. In the course of his professional experience he had seen many things of this kind, arising at their outset from trifles light as air, magnified into grievances almost beyond relief. A hearing of a case of this kind would easily cost 400*l*. or 500*l*. But the case once heard was not ultimately decided. No, it might go the round of all the judges in law and in equity. If one judge granted a decree this week, another might reverse it the next; for affidavits might be collected to show that, in the interval between the two decrees, the conduct of the husband or the wife had been so bad as to justify the reversal of the former decree. The Bill, therefore, opened a scene of misery for families, which was interminable, and an extent of litigation which was perfectly frightful; and for that reason, if he had not others, he should meet it with strenuous opposition. But how did his hon. and learned Friend propose to support the jurisdiction given by this Bill to the judges over the husband? By the process of contempt. If the husband would not obey the order of the judge, giving the wife access to her children, he was to be in contempt. After all the time and attention which he had bestowed upon the removal of the evils caused by the process of contempt, there would be nothing that he should see with greater alarm than our prisons filled with prisoners for contempt. It was a subject to which he had paid long and deep attention, and he should have the deepest regret in seeing the Fleet, as he had seen it, filled with the victims of the process of contempt. It was not unusual for a man to go to prison rather than pay a debt: but if he had the means, a short imprisonment generally made him willing enough to purchase his liberty by payment of the debt. But when a man got into a prison, as in this case the husband would, on a point of feeling, it would be a difficult task indeed to induce him to alter that feeling. He would, in all probability, send the children out of the jurisdiction of the court, and would say, "I'll rather die than obey this order." He would not die, but he would be in contempt, and would be sent to prison. Until he obeyed the order no one could discharge him. Obey it he never would, and what would be the consequence? Just what had happened when he visited the Fleet Prison some few years ago. He found there persons who had been confined for twenty or thirty years, and heard of others who had died there after a long imprisonment, for contempts of a very trifling nature, and all this without any blame to any judicial tribunal whatever, for it was not in the power of any judge to relieve contempt, when once committed. Looking, then, at the operation of this Bill, he felt compelled to oppose it, and, in doing so, he trusted that his hon. and learned Friend, Mr. Serjeant Talfourd, would not consider that he was opposing him, he was only opposing his measure. He hoped that the Bill would not be considered a party measure; from the state of the benches behind him, it was evident that he had not so considered it. He had not hinted his intention of opposing it to any of his friends, and he wished it to be considered on its own merits and demerits alone. He moved that the Bill be read a second time this day six months.

Mr. *V. Smith* hoped the right hon. and learned Gentleman would not press his amendment, for it appeared to him that most of the objections which he had urged against the measure were capable of being removed in the Committee. The first objection made to the Bill by the right hon. and learned Gentleman was founded on the use of the word "parent" throughout the Bill. Surely that defect, if it was one, could be cured in the Committee. Had the right hon. and learned Gentleman treated this Bill as a mere matter of law, he should have deferred to the well-deserved reputation of the right hon. Gentleman as a first-rate lawyer; but the right hon. and learned Gentleman had invited the House to discuss it on the principles of the human mind, with which hey were nearly all equally well acquainted, and had brought to the discussion of it, not precedents of law, but the adventitious aid of fable. The only legal argument which the right hon. and learned Gentleman had advanced was, that the affidavits, which would be necessary to enable a mother to introduce a claim to the intervention of the court, would be so long, so complicated, and so various, that he was loth to invite either her or her husband into the Court of Chancery to make them. Now, it appeared to him that when a parent stated, that access to her children was not allowed her by the husband from whom she was separated, the judge might settle her claim to access to them without entering into an inquiry whether her separation from her husband was proper or not. The right hon. and learned Gentleman observed that it was not desirable to increase the facility of separation between husband and wife, and he was ready to admit that many small inconveniences which occurred in married life were smoothed over by a knowledge of the great difficulty of obtaining a separation. The right hon. and learned Gentleman had also said that one of the finest principles of human nature was the attachment of a mother to her child. He admitted that it was so, and implored the House not to take advantage of it to compel a woman to reside with a husband who treated her with neglect and cruelty. That would be a compulsion inflicted on the weak for the benefit of the party who was strong enough already. All the difficulties of separation were at present on the side of the woman, and therefore in all the bickerings of married life the wife felt it expedient to yield, as she was the party on whom punishment must fall. According to the doctrine of the right hon. and learned Gentleman, the wife was placed in the position of a slave. The present Bill did not take from the husband any power of control which he now exercised over his children—it only gave the wife, whose children they also were, power of access to them. Allowing that there was considerable weight in the argument of the right hon. and learned Gentleman that it was inexpedient to facilitate separation between man and wife, still it ought not to be forgotten that in the present condition of society the situation of the wife living separate from her husband was far worse than that of the husband living separate from his wife. What did the husband suffer from this state of things? Did any man refuse to associate with a husband living separate from his wife unless it was charged against him that he had exercised some enormous cruelty against his wife? But was the rule the same with regard to the wife living separate from her husband? No. There was a scandal abroad which deprived her of the position she formerly occupied in society. She was tried with far greater severity than the man. She was tried at a tribunal where slander was her accuser, and vulgar credulity was her judge. The right hon. and learned Gentleman had stated another objection to the Bill, which he (Mr. V. Smith) thought might be removed in the Committee,—namely, that the decree of the judge on the husband was to be enforced by the process of contempt. If any other mode could be found for enforcing that decree, the right hon. and learned Gentleman, who had gained such well-deserved credit for his exertions in mitigating the severity of the law of contempt might propose it in Committee, and sure he was, that if the right hon. and learned Gentleman did so, the House would listen to him with the most profound attention. He hoped that the right hon. and learned Gentleman who appeared to have the same object in view as his hon. Friend the learned Sergeant, would allow the Bill to go into Committee. The right hon. and learned Gentleman had intimated that under the present law injury and injustice were very often inflicted on the weaker party. His impression was, that the House ought to provide for the protection of the weaker party in the marriage union; for in many, indeed he might say in the majority, of the cases of separation between husband and wife, the fault arose either from the neglect, or from the carelessness, or from the viciousness of the husband. He, therefore, wished to see the party who was the most likely to be aggrieved, the party to whom the House was most anxious to afford redress. It was impossible, he thought, that this Bill could be treated as a party measure; it was not intended, either by his hon. Friend the learned Sergeant, or by himself, that it should be so treated. He was glad to see, that it was not so treated by the right hon. and learned Gentleman, and he rejoiced to find that there was one subject, at least, on which honourable men of all politics could meet free from prejudice to consider of what was most conducive to the good of the whole community. In conclusion, he again implored the right hon. and learned Gentleman not to urge his opposition to the Bill at present, but to let it go into Committee to receive the amendments of which it was capable.

Sir *E. Sugden* said, that after the candid appeal which had just been made to him, he did not hesitate to give way at once. He would withdraw his amendment and let the Bill go into Committee. He hoped that his hon. and learned Friend, the Member for Reading, would put the Bill into the best shape it would admit of in the Committee; but he must tell him distinctly at once, that he was so adverse to the principle on which it was founded, that he should divide the House against it on the third reading, even if he stood alone in the division.

Mr. *Tancred* had a strong feeling against this measure. In his opinion the greatest evil which could befal a wife was a separation from her husband, and, so far from doing anything to facilitate such separation, it appeared to him that the House ought to support every enactment of the law as it now stood which placed an obstacle in the way of such separation. In nineteen out of twenty cases he believed the separated wife was allowed to have intercourse with her children; but then let it be observed this was by allowance of the husband, and that circumstance would materially tend to impart a tone of mildness towards the father to her intercourse. But under the proposed Bill no such circumstance would intervene, and embittered as the wife's feelings would be against the husband, the effect of her intercourse with the children would be to implant in them a spirit of animosity and hostility against their father. He considered, indeed, the Bill consulted neither the interests of the father nor the children. He could not but come to this conclusion, and so strongly opposed was he to the principle of the Bill, that if he could find supporters he should be disposed to take the sense of the House upon it before going into Committee.

Mr. *Wakley* believed the Bill as it stood had the approbation of the whole of the British public, and he hoped that the hon. and learned Gentleman would not consent to any compromise or alteration that would make any material difference in the measure.

Mr. *Goulburn* hoped that hon. Gentlemen would consult the feelings of the House, and not go into further discussion of the subject.

Mr. Sergeant *Talfourd* expressed his sense of the kind manner of his right hon. Friend, the Member for Ripon, in the opposition which he had felt it his duty to offer to this Bill, and he should be very happy to entertain the suggestions of his right hon. Friend, but he would enter into no compromise or understanding as regarded the substance of the Bill. In using the word "parents" he had not meant to make any alteration of the law on the subject. As for the Bill itself, he looked upon it as some little recognition of the principle of extending justice to those who certainly had enjoyed but little of justice hitherto, and therefore he should certainly be most reluctant to consent to any alteration in its provisions.

Bill read a second time.

HOUSE OF LORDS,

Thursday, February 15, 1838.

MINUTES.] Bill. Read a first time:—Custody of Insane Persons.

Petitions presented. By Lord DACRE, from Melbourne (Cambridgeshire), and other places, by the Earl of MINTO, from Royston, and another place, and by Lord BROUGHAM, from Milverton, Diss, Holt, the Corporation of Liverpool, Bromyard, Pier-head (Cumberland), Ockendon, Dissenters' Meeting in Oxford-street (London), Walsall, Dissenters of Devonshire-square Chapel (London), Kilmarnock, Corporation of Hereford, Dudley, Lichfield, and many other places, for the abolition of Negro Apprenticeship.—By Lord BROUGHAM, from the Gorbals (Glasgow), from Berwick-on-Tweed, Canterbury, Cupar, Glanplyngan (Carmarthenshire), Lewes, Yeovil, Ludlow, Biddlescombe, East Chiverton, the Reform Society of Sandwich, Barwick (Somerset), West Colling (Somerset), Cupar-in-Angus, Shrewsbury (three petitions), Rochester, Chatham and Stroud, Margate, Frome, Selwood, Dumfries, Maxwelltown, Wakefield, Hereford, and several other places, for Vote by Ballot.

GLASGOW COTTON SPINNERS.] Lord *Brougham* had petitions to present from bookbinders of London and Westminster. The petitioners strongly recommended to their Lordships to take some steps for the purpose of extending the mercy of the Crown to the recently-convicted Glasgow cotton-spinners. In consequence of what had passed in that House the other night, and in consequence of some defence which had been entered on elsewhere with a very great degree of zeal, and no doubt with a very good intention towards the parties to whom he had deemed it to be his duty to allude, he found it necessary to make a few observations. It might be said, that he was misinformed on the subject to which, on a previous evening, he had drawn their Lordships' attention. Now, he wished it to be known that he made his statement, as he always did, from the petition that had been put into his hands, and for the facts set forth in that petition he was not answerable. He, however, would not stop there, but would say, after inquiry, that he believed entirely every one tittle of those facts. He stated at the time, and he still believed, that every one of those facts was correct. With that feeling, the strong conviction of his mind was, that he had actually understated the case, and that the facts, when they came to be fully disclosed to their Lordships, would prove, that he might with strict justice, have made his comments more stringent. On that occasion he had made no allusion to the learned Friend who had taken up this subject—he had never attacked him, he had never referred to him. He knew that his learned Friend was not present when that which he complained of had occurred. He had spoken distinctly of the Crown lawyers of Scotland as being to blame. He was well aware, that at the time to which he referred, his learned Friend was attending his Parliamentary and political duties elsewhere. Now, if he were misinformed, he would bring the matter to issue at once by moving for certain papers. He was accused of having made certain observations, he having been misinformed on the subject. Now, the production of these papers would at once show whether that was the case or not. He should ask their Lordships for the production of those documents. If they were refused, it would be an admission that he was correct in his statement. If they were granted, it would then be seen wherein he was misinformed. His statement was, that these men were imprisoned on an indictment containing wrong charges, which indictment had been deserted; that they were kept in prison till a right indictment was drawn up, in which, to make it more right, the law officers included the wrong indictment, adding three right counts to ten that were wrong. That was his statement—all the rest was matter of inference. He should now move for the following papers, which would at once prove whether there was the least error in his statement:—1st, a copy of the indictment, or criminal letters, raised at the instance of her Majesty's Advocate against the prisoners; 2nd, a copy of the interlocutor pronounced by the High Court of Justiciary, allowing the indictment to be deserted *pro loco et tempore* (if he had been wrong, the return with respect to those would be *nil*); 3rd, a copy of the second indictment (if there was one) or criminal letters against the same persons; 4th, the dates of the arrest of the same persons respectively, and of their subsequent liberation; 5th, the dates of their subsequent arrest on the second indictment, and their subsequent trial and conviction (here there were dates, and the return would not be *nil*); and copies of the record, verdict, and sentence of the Court of Justiciary, with reference to the same persons at the same trial. These five documents, if produced, would show whether he were or were not wrong. He took it for granted that the Home-office was in possession of all these documents, which no doubt had been sent up to London from Scotland. These unfortunate men had been now seven months in prison, on the right and wrong indictment, and they were at present on board the hulks, which was a grievous aggravation of imprisonment—the most grievous that men could be subjected to. Therefore he inferred that the Home-office, before these men were sent to the hulks, was in possession of these documents. These men had now suffered more than twice as much imprisonment as they would have been subjected to had they been found guilty of the same offence in this country. Before concluding he must admit that he was wrong the other night in stating, that two months' imprisonment was all the punishment they could have undergone by the laws of this country. Three months' imprisonment, however, was all they could have been subjected to, if they had been tried and convicted in Cumberland or Yorkshire for the same offence.

Viscount *Melbourne* was of opinion that the noble and learned Lord would have acted more in accordance with the usage of their Lordships' House, if he had given notice of his intention to move for these papers. At the same time, considering that they only related to judicial proceedings, he felt no objection to their being produced. He should not, therefore, offer any opposition to the motion of the noble and learned Lord, but he entirely denied the inference which the noble and learned Lord wished to draw as to the law officers of Scotland not having performed their duty, with reference to the production or non-production of any of these papers. He did not know whether those documents were in the Home-office or not. It was not necessary that they should be there in order to justify the Secretary of State in causing the convicted persons to be brought up from Scotland. It was only necessary that he should be apprised that the conviction had taken place, and that sentence had been formally passed upon them by the court. As to the question whether the punishment awarded for such offences by the law of Scotland was not too severe, and whether that provided by the law of England was not more properly apportioned to the crime, he admitted it to be a matter of difference between the noble and learned Lord and himself. This was a misdemeanour, punishable by the law of Scotland with fine and imprisonment, and he did not think that the punishment inflicted in this instance was too great. He was decidedly of opinion that the law of Scotland was not too severe, and in his opinion the sentence ought in this case to be enforced. The offence was most prejudicial to the interests of the working classes, and to the interests of society at large. It gave him great concern that the noble and learned Lord should take such a view of this question. He was sorry that the high character and authority of the noble and learned Lord, and the high character of the situation which he had held, should be lent to the condemnation of the law officers of the Crown, to the condemnation of the courts of justice in Scotland, and to the condemnation of the law itself. The noble and learned Lord's declarations on this occasion would give greater encouragement to the offences of which these persons had been convicted, and would do more injury to the working classes themselves than could possibly be counteracted by his lectures on political economy, or by any rebukes which he might administer in that House.

Lord *Brougham* said, the observations of the noble Lord on his conduct should never prevent him from standing up in his place to do what he conceived to be his duty, whether freely to administer rebuke to Ministers or to the law officers of the Crown, who were amenable to Parliament like the Ministers of the Crown; or even to the judges of the land themselves, when they appeared to him to deserve that rebuke. The judges of the land knew, and if they did not it was time they should know, that they were not placed above the law which it was their duty to administer. They would be the last to deny the position; they knew also that they were amenable to Parliament, from which that law emanated—that their conduct was, in fact, open at every step to the consideration and animadversion of the Legislature. They knew that they were not in this country an exempted set of public functionaries, who alone of all her Majesty's subjects had a right to act without suffering observation or remark, and who might discharge their duty as they pleased, free from the animadversion of Members of either House of Parliament. An insinuation had been made as if he, who had held the highest judicial functions, should be the last person to take this course, or to make such remarks as he had offered. He denied the truth of the observation. On the contrary, he, who had held the highest judicial functions, and ought to know what the duty of a judge was—he, above all others, ought to state his opinion when he thought other judges acted wrongly, as he knew and felt that, with respect to himself, he would be the last person who would shrink from any observation or any remark on his conduct. While he was on the bench, and before he ascended it, he held himself amenable for his conduct to the free and unfettered discussion of his fellow subjects; and he should have felt himself not exalted, but degraded, if, when he held a judicial situation, he had shrunk behind the defence of a Ministerial advocate, or if he had maintained that the conduct of the judges was not open to animadversion. On the former occasion he said, that he arraigned not the judges of the Scotch court, but the Crown lawyers. On that point they were at issue, and the production of those papers would show whether he was right or wrong. He was accused with having arraigned the law. To this he should answer, that he was a law-maker for England as well as Scotland; and if he found that a man on the north side of the Tweed was likely to be sent to Botany-bay for seven years, after having been imprisoned before trial for seven months, on account of an offence which, on the south bank of the Tweed, would only entail on him an imprisonment of three months, why might he not state the fact, and point out this extraordinary diversity, without the necessity of blaming one or the other of these two diverse, discrepant, and contrasted systems? In touching upon this subject he was placed in this dilemma—he could not praise the two systems. If he spoke favourably of that of Scotland, he might be considered as blaming that of England for its too great lenity; and if he praised that of England, he might be supposed as casting a reproach on that of Scotland for its too great severity. It was clear, that if he praised the one he must needs condemn the other. It certainly was not recommending to the affection and love of the people of Scotland that system of law under which they lived, to tell them that for the same offence punishment by imprisonment in the hulks and transportation for seven years—it might be for life—was inflicted on one side of the Tweed, while their brethren on the other side of the Tweed were punishable with three months' imprisonment, and no more. There was another way of defending the law of Scotland, very different from that which had been taken—another way more likely to escape censure and unpleasant observation—yes, there was another way of recommending to the esteem, love, and affection of the people of Scotland, that law under which they lived, and acted, and suffered. There was another way somewhat more likely to prove effective than that of sneering at ex-Chancellors for lecturing on political economy—than that of blaming ex-judges for challenging legal decisions—than that of charging legislators with a breach of duty for declaring their opinion on the defects of the law. What that line was which would be better for the law which the noble Viscount defended, and more likely to secure the affections of the people who under that law passed their lives, would be to admit the discrepancy that existed (which none could deny), and to assimilate the laws of the two parts of the kingdom, so that no longer the cries for justice should be confined to England, and not extended to Scotland; that they should no longer confine it to one part of the kingdom, and not grant it to the other (for this was not like the Irish municipal or Irish tithe question), but that they should assimilate the laws of Scotland and England in this particular, and not allow this anomaly, this monstrous anomaly, to continue, by which the self-same offence was considered on one side of the Tweed as a trivial trespass, and on the other, as it might happen to be, as the worst of felonies.

The Duke of *Wellington* rose to state his satisfaction that this subject had been taken into discussion in the other House, and that a Committee had been appointed to consider the combination laws in general. He could not help expressing his satisfaction that this subject had come thus early under the consideration of Parliament, because he believed that there was no grievance existing in any country which equalled the extent of abuses that were carrying on in all parts of the United, and, hitherto called, civilized, Kingdom, that equalled the abuses and grievances that were inflicted on the labouring classes by this system of combination. He really believed from the accounts he had seen, that there was scarcely any individual who was dependent on his labour for subsistence, and that there was scarcely any one who employed him, who had not reason to complain of these combinations. Under these circumstances, he earnestly entreated the noble Lords opposite, who held the Government of the country in their hands, to be so kind as to turn their early attention to this subject, to consider what might appear in evidence before the House of Commons, and to propose to Parliament measures to put down this system of combination throughout the country, which had been carried to an extent that was quite horrible, and to bring the laws to the state in which they ought to be in every part of the country.

BANKING JOINT-STOCK COMPANIES.] The *Lord Chancellor*, in moving the second reading of the Banking and Trading (Clerical) Copartnership Bill, would briefly state its object. According to the law as it now stood, and as it was laid down in a recent decision of the Court of Exchequer, none of the large joint-stock companies, which were now so common, were enabled to recover any sum of money which was due to them, if by chance any one of the shareholders should happen to be a clergyman, and sharing in its profits. By the 57th George 3rd, all clergymen were prohibited from dealing at all. They were not prohibited from buying and selling as in the former Act, but they were absolutely prohibited from dealing. That was not found out till the recent proceedings in the Court of Exchequer. A company brought an action upon a bill of exchange against the drawer; the defendant pleaded that two clergymen were shareholders in the company, and that therefore all contracts made with the company were void, and that he was not liable to pay. The case was fully argued, and in the month of January last the judges unanimously pronounced their opinion that, by the 57th George 3rd, they were left no option but to decide that the transaction was illegal. There had been no appeal from the decision, and, therefore, their Lordships were bound to take it as the state of the law. The Bill was not intended to put parties into a different situation than they intended—it was merely to prevent them departing from their contract. He trusted their Lordships would have no objection to make the act retrospective, so as to put an end to all actions now pending of the nature contemplated by the Bill, giving at the same time the defendant the full costs of his defence connected with the legal point embraced in the Bill. The Bill was limited only to next session of Parliament, and the reason of that was, that there was a Bill for abolishing, and for regulating pluralities, now before the other House, which would provide for the manner in which clergymen might deal; of course it would never be allowed that they might buy and sell; but, on the other hand, it was impossible that they could debar clergymen from holding bank stock, or from insuring their lives in any company which divided the profits among the insured. He trusted their Lordships would cordially give the second reading to that relief Bill.

Lord *Denman* thought, it was absolutely necessary this Bill should pass, although he was not an advocate for *ex post facto* law. But this Bill was requisite, in order to prevent a dishonest man getting rid of his own liabilities by means of particular enactments in an act brought in for other purposes. This case differed from that of a common informer, who was set in motion by the Legislature, and if he, in obedience to the law, sued a person for that which was made an offence, it was hard that he should be deprived of his costs. He thought that persons who had set up a dishonest defence to actions already commenced relating to this matter ought not to have their costs; but, at the same time, he should be sorry to risk the fate of the Bill by proposing any amendment of that sort. He would, however, submit to the consideration of their Lordships whether it was not proper in such a case to refuse the costs.

Lord *Ellenborough* said, it was necessary to pass the Bill, but he thought it would have been advisable if the preamble had contained the grounds upon which the alteration of the law was made.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, February 15, 1838.

MINUTES.] Petitions presented. By Mr. HARVEY, from Southwark, Southwold, Braintree, Ipswich, Glasgow, and other places, for an extentension of the Suffrage, shorter Parliaments, and Vote by Ballot.—By Mr. PHILLIPS, Mr. HAWKINS, Mr. E. J. STANLEY, Mr. WARD, Mr. HUME, Mr. WALLACE, Sir H. VIVIAN, Mr. AGLIONBY, Mr. C. BULLER, Mr. O'CONNELL, Mr. E. ELLICE, Mr. GILLON, Mr. FIELDEN, Mr. E. BULWER, Mr. O. STANLEY, Mr. LEADER, Lord EBRINGTON, Mr. WAKLEY, Mr. SANFORD, Mr. GROTE, and several other MEMBERS, a great number of petitions from all parts of the kingdom, for the Vote by Ballot.

THE BALLOT.] Mr. *Grote*: I rise, Mr. Speaker, pursuant to my notice, to move for leave to bring in a bill, enacting that votes at elections for Members of Parliament shall be taken by way of Ballot. I trust, Sir, that I shall stand acquitted of any undue pertinacity or presumption on my own part in now renewing this motion, which has already been more than once submitted to the House. I undertook originally to introduce the proposition of a secret suffrage, from a strong conviction that it was the only mode of voting compatible with freedom or purity of election. I have not had the good fortune to find myself supported by a majority of the Legislature, and the open mode of voting still continues to be the law of the land. It still continues the law of the land, with all its tendencies, such as they are to good as well as to evil—it has manifested these tendencies, even since the last discussion on the ballot, in a manner the most flagrant, and unequivocal, and the lessons of the last few months have so forcibly impressed, even upon unwilling converts, the indispensable necessity of protecting voters in the exercise of their franchise, that I feel animated by fresh encouragements, and impelled by additional strength of motive, to urge the subject again upon the new House of Commons now assembled. I scarcely venture to imagine, Sir, that I can bring much new argument to the discussion of this subject, in addition to that which has been advanced on former occasions. But experience, though a severe preceptress, is full of instruction and efficacy in her teaching, and fresh as we now are from the recollections of the late election, I hope we shall approach the examination of the ballot, with minds more candid and unprejudiced than heretofore. The necessity of the case imperatively calls upon us to do so. I propose the ballot not merely as a fanciful scheme for making that which is now good still better—not merely as a measure of insurance against evils remote and contingent—but as a remedy against mischiefs, present, acknowledged, and full of baneful working—an efficient remedy against intimidation and bribery. No one can deny that bribery and intimidation are serious evils: as little can any one deny, that bribery and intimidation infect at this moment almost every vein and artery of our elective system, and that the securities which we possess against them are impotent and contemptible. That a remedy against such mischiefs is urgently needed, stands confessed and obvious to every one; and what second remedy, what other measure of any promise or efficiency, has ever been proposed even by those whose aversion to the ballot is most unconquerable? Admitting, even, that my reasonings carry with them nothing stronger than a considerable probability—admitting that my proposition presents only a fair chance of success, yet what is the alternative? Why, the alternative is, that bribery and intimidation must remain as they are now, epidemic evils permanently entailed upon us beyond all reach of cure. And I submit, that this is a conclusion far too discouraging to be admitted by any reasonable man, or by any sincere patriot while the expedient of the ballot remains untried. It has become common of late, Sir, since the example set by the noble Lord, the Member for Stroud, in his memorable declaration on the first night of this Session, to couple the ballot with other reforms more frequently than even it was coupled before. But the motion which I am now about to submit to you is, for the adoption of vote by ballot singly and simply, unaccompanied by any additional measure whatever. I have made this proposition separately before, and I now make it separately again; not because I think that the ballot when applied to an imperfect representative system, will render that system perfect and faultless, not because I am insensible to the importance of householder suffrage, and triennial Parliaments, for to both these questions I am a warm friend, but because I know that the ballot will of itself rectify the grossest and most acknowledged abuses which elections now exhibit, and because I am prepared to advocate it on reasons belonging to itself separately and especially. To fix the extent of the franchise, the duration of Parliaments, and the distribution of the constituency in the way most conducive to good government, are doubtless most important problems; but it is a problem distinct from all these, and not at all less essential to appoint such a mode of voting as will prevent abuse and wrong in the actual exercise of the franchise. Let us make what other arrangements we please, still we cannot evade the consideration of this last question, on its own peculiar grounds and merits; and whether we determine to enlarge the constituency or to keep it unaltered, whether we adopt triennial or retain septennial Parliaments, in either case it is our imperative duty to take the surest precautions for enabling the existing electors to give their votes both with probity in regard to the public, and with safety in regard to themselves. This is the question which I now present to the House when I call upon them to decide affirmatively or negatively upon the ballot; and I shall think it a material improvement if I can abate the nuisances of bribery and intimidation, and rescue voters from temptation and constraint, even though I may still leave the constituency less numerous, and worse distributed than I could desire. Besides, Sir, I am prepared to show, that the ballot is a proposition which not only may be consistently supported, but which ought to be equally supported, both by those who advocate and by those who resist a farther extension of the suffrage. Not merely because under open voting the existing electors are exposed to wrongful interference, to severe personal hardship and vexation, and to factitious allurements, from which it is but common justice and common prudence to relieve them, even although no farther measures of improvement were to be combined with that relief; but also for another reason of no less importance. We have at this moment in round numbers nearly 700,000 qualified electors in the United Kingdom. There are some who think that this number is sufficiently large, there are others, and I am amongst them, who think that it ought to be extended. But if any proposition were made to diminish the present constituency—if it were proposed to cut down the number of electors from 700,000 to 400,000—most assuredly such an attempt would be resisted both by those who desired to adhere to the present franchise, and by those who sought to enlarge it. Now, Sir, look for one moment at the state of the facts, and you will see, that election by open voting is tantamount to a very great curtailment of the existing legal franchise; you will see that it is nothing less than a sentence of practical disfranchisement to hundreds and thousands of electors. It is well known that there is in every constituency a considerable fraction of electors who decline to exercise their political franchise at all, because they cannot exercise it without giving serious offence to those whose goodwill they dread to forfeit. And, with regard to many of those who do vote, give me leave to ask, what is the difference between taking away a man's vote altogether and taking away from him the liberty of voting as he himself inwardly prefers? What is the difference between depriving a man of his franchise and depriving him of that free agency which is essential to the very idea and meaning of the franchise? Is not the number of genuine and *bona fide* electors just as much lessened by the one act as the other? Sir, it is but too plain that by condemning electors to vote openly, you practically extinguish free will and free choice in a very large proportion of them—perhaps not less than one-third of the whole; and you thus reduce the legal franchise, for all practical and public purposes, to only two-thirds of its legal extent. It is upon this special ground then, Sir, that I appeal both to those who desire extension of the suffrage and to those who oppose it, and call upon both of them to support my present proposition. It must be alike the study of both, that the present franchise shall not be abridged nor the present voters practically disfranchised. And, though they may differ on the point of further extension, at least let them join with me in procuring for voters that measure of protection which is essential to preserve the present extent of the franchise, without restriction or curtailment—at least let them guard the votes of the poorer electors from being sucked up into the patrimony of the richer. We are accustomed to boast, Sir, that we possess a representative government—that the people of this country dwell under laws made by their own representatives in Parliament. Now, as to the main purpose of a representative Government, I believe there is little difference of opinion. The object is to get a House of Commons possessing the confidence of the people, chosen by the free and deliberate preference of their various constituencies, and recommended to the esteem of the nation at large by the public certainty that they have been thus preferred. This is the grand object for the attainment of which the people are called upon to go through the harassing and costly business of a general election. If your election does not bring out the genuine, unbought, unconstrained sentiments of the voters—if it is not publicly known to bring out this result and no other—you might as well have no election at all; the institution is a deceit and a failure. Such is the object and intention of a representative system. And now I ask the House whether this object is really attained? Does the practical working of English elections produce that result for which alone representation exists? Does it afford to the nation at large legitimate ground for confidence in the Members assembled within these walls? I affirm that it does not, and that it cannot. Sufficient evidence exists of the practices by which election returns are now effected to deprive the existing system of all title to national esteem and attachment. It is not, in truth and in fact, and in the faithful use of the words, a representative system. The characteristic properties of a representative system are subdued and paralyzed by a vicious mode of working. It is a system which still preserves the baneful principle of nomination, varied indeed in the manner of its application, but unaltered in substance—the principle whereby the choice is dictated by one person and the vote given by another, which the Reform Act professed to have expelled for ever. I do not mean, of course, to deny that many votes are given, and that too of all shades of political party, which are perfectly unexceptionable in every point of view, and which express nothing but the fair and genuine sentiments of the electors. But I do mean to assert, that, with respect to a large proportion of electors, and a large proportion of votes, this is the very reverse of the truth. Both corruption of voters and dependence of voters defile the electoral atmosphere to a lamentable extent—the hopes of one class, the fears of another are called in, to the entire suppression of honest and unbiassed political preference. Large numbers of voters are so placed with regard to other men that their vote at an open poll can be considered as nothing better than the delivery of a message from a superior—the voice of servility or fear, instead of the genuine judgment of a self-determining citizen. The prevalence of these practices is almost as notorious as the most acknowledged facts in English history. I believe, that the difficulty would be to find a single constituency exempt from these overruling influences; but thus much at least is unquestionable, that they prevail to such an extent as to vitiate altogether the fidelity of the total result, and to deprive the House of Commons of all solid evidence that its Members really emanate from the *bonâ fide* suffrages of the people. I should have imagined that the general accuracy of what I have just related would have been sufficiently made out by proofs which are now of long standing—especially by the evidence taken before the Committee on bribery and intimidation, appointed during the last Parliament—a body of evidence fraught with melancholy instruction concerning the actual working of our representative system. To that I have often referred, and shall often refer again; and I am sorry to say, that it has now been suffered to remain near three years on the table of the House without the smallest attempt made by authority to provide a remedy for the enormous abuses which it discloses. But this important testimony is not left to stand alone. The last elections have been no less replete with proofs of the same most unwarrantable mischiefs, attested by the concurrent and unanimous complaints of all political parties without exception. This, in fact, seems to be the only one point in which all parties concur, that bribery and intimidation have been widely diffused and pre-eminently effective. The innumerable discourses of candidates on the hustings during the election of last August—the daily criminations and recriminations of all the newspapers—Whig, Tory, and Radical—all certify the virulence of the evil, however much they may dispute about the admissibility of particular remedies. Indeed, it seems to me that, in most cases, parties are less anxious to repel the charge from themselves than to fix the like charge upon their opponents. You have heard it constantly said, "We knew that our opponents were intimidating on their side, therefore we were forced to do the same on ours; but we have not done so to anything like the same extent as they have." *Nulla innocentiæ cura, sed vices impunitatis.* I can produce, from the declarations even of gentlemen who are strenuously opposed to the ballot, the strongest testimonies to the efficacy and to the prevalence of intimidation at elections. Read, for example, the resolutions promulgated on the 30th of August last, by those gentlemen who originally commenced the Spottiswoode election subscription. They proclaim, in the plainest and broadest terms, that freedom of election in Ireland is altogether subverted by the system of intimidation there established. Again, Mr. Taylor, of Birmingham, who proposed the Tory candidate, Mr. Stapleton, at that place, stated publicly, on the hustings, that he fully believed if votes had been taken by the ballot, that Mr. Stapleton would have been returned Member for Birmingham. Here is the further testimony of a gentleman, to whom, I am sure, hon. Members opposite will not refuse to pay attention. At the nomination at Edinburgh, on Monday, July 31, 1837, Sir George Clerk said—

"I will venture to appeal to the experience of every elector in the county, whether there has not been infinitely more liberality and fairness on the part of the Conservatives than on that of those who arrogate to themselves the exclusive name of Liberals? and I am perfectly certain, if I could get their votes on the subject, I should have a large majority in my favour. I maintain that intimidation is more used against my friends, than by any of my supporters; and I firmly believe that, looking only at the personal consideration, or what was to be the effect in this Mid-Lothian election, I ought to be an advocate for the ballot; and that a much greater majority would be found in favour of the Conservative candidates, both here and in other places, if the ballot was adopted. It is not, therefore, on personal grounds, that I oppose the ballot."

And now, Sir, let me add the words of a nobleman, who will be peculiarly listened to on this side of the House, and who agrees with Sir George Clerk in opposing the ballot. At the nomination at Tiverton, on Tuesday, July 25, 1837, Lord Palmerston expressed himself in this manner:—

"My belief is founded not merely on what I have heard from others, but my own observations. My belief is, that a system has been extensively pursued to deter the electors, by fear of injury to themselves and their families, from doing that which we heard read this morning, to elect freely and indifferently the persons whom they may think fit to represent them in Parliament. Now, Gentlemen, this is not a solitary case, it is the regular Tory practice; and you will hear, when you see the proceedings of the different elections, that the same thing has been practised whenever a Tory candidate has opposed men of liberal and reforming principles."

Let me now cite another Tory witness. In reference to the late severe contested election in the West Riding of Yorkshire, the Tory Leeds newspaper, *The Leeds Intelligencer*, says that the Whig Lords forced their tenants to vote for Lord Morpeth and Sir George Strickland.

"The Duke of Norfolk's agents put on the screw with unusual severity! Lord Fitzwilliam's did the same; Lord Thanet's agents made the election a matter of life and death; the Duke of Devonshire's were not a whit behind; and Lord Burlington's insisted that promises given to Mr. Wortley should be violated under penalties which the poor tenants understood too well."

Having heard the Tory version of the election in the West Riding of York, let us see what is the Whig account of this same contest and of another important county election in August last. At a public dinner on Friday, October 13, 1837, to celebrate the re-election of Lord Morpeth and Sir George Strickland for the West Riding of Yorkshire, and given by the Liberals of Doncaster, Lord Milton spoke of the causes of his defeat in North Northamptonshire:—

> "My opponents came against me with all the power of the Tory landlords, and all the power of the parsons; and, gentlemen, they beat me. But in the West Riding it was different. Here you come against them with the irresistible power of popular intelligence—intelligence resulting from the wealth which you have industriously accumulated. And what has been the end of this intelligence? Why, that you have returned, for the West Riding, two Liberal Members to serve in the House of Commons. On the contrary, North Northamptonshire has sent two Tories, not to represent the constituency of that county, for they will, most certainly, misrepresent the great majority of its inhabitants. I know full well, for I witnessed it on my own canvass, what was the real feeling of that county. I saw that the number of my colours was, at least, one hundred to one to the colours of my opponent; but, notwithstanding that strong manifestation of the opinion of the people in my favour, the influence of the Tory landlords, as I have said before, consigned me to defeat, and left me in possession of the borough which I have now the honour to represent."

I could easily multiply testimonies of this kind, if I were not afraid of fatiguing the House; but I think I have produced enough for the purpose of my argument. Be it remembered, that these are not the declarations of Radicals—not the declarations even of gentlemen friendly to the ballot—they come from Whigs and Tories, both strongly opposing the ballot, and both involuntarily testifying the crying necessity that exists for some remedy equivalent to the ballot. I shall not surely be suspected of exaggeration when I say no more than has been said before me by Lord Palmerston and Sir George Clerk. You may tell me that I quote defeated candidates. What if I do? Defeated candidates are not for that reason deprived of their wits. They may, perhaps, exaggerate the comparative effect of causes in real operation; but they do not conjure up fictitious and imaginary causes for their defeat. Do we ever hear suitors who are defeated in a court of justice, though they may suffer the greatest anguish and mortification—do we hear them ascribing the loss of their cause to the fact that the judge was bribed or the jury intimidated? Why, then, do defeated candidates at an election make perpetual reference to bribery or intimidation? It is because every man concerned in elections, whether on the winning or the losing side, knows well that these causes are of constant and powerful and notorious efficacy. It is immaterial to my argument which of the various parties in the state employs intimidation with the most unsparing hand, or which may be the prime fabricator of this poisoned weapon. I desire to repress election abuses equally and impartially, let them be committed by whom they may. But who can believe, while such complaints resound on all sides, and while the evils complained of remain not only unredressed, but even unheeded, that this House really represents the free sentiments of the electoral body of this kingdom? If there be any one still credulous enough to suppose that the representative system, as it now stands, is pure from coercion and intimidation, we may be very sure that this is a delusion which cannot be very widely extended, when we find both Whigs and Tories uniting to proclaim the contrary. No ingenuity can longer uphold such an imposture in the national mind. It is but too plainly seen—it is but too painfully felt—by what weapons a contested election is now conducted or helped forward. Watch the proceedings of a landlord with his tenants, of customers with their tradesmen, of employers with their labourers, and you will see the miserable motives by which men of power seek to press the electors into their service, and to extinguish in them all sense of public obligation. They have the means of making the condition of an elector better or worse, and this is the source of their empire over his will,—an empire which I once heard described in language of emphatic insolence by an English Dives, "Where I give custom, I expect allegiance." It seems to be the standing belief among landlords, that the vote belonging to the occupier of their farm is as much their property as the buildings erected on the farm. Some landlords are generous enough to content themselves with one of the tenant's votes at their bidding, leaving him the other to dispose of as he chooses. The few landlords who treat the tenant as if he had a political judgment and conscience of his own, are rare and honourable exceptions, and are deservedly chronicled as such in the public prints. I wish that it were possible to lay before Parliament a return of the number of ejectments, notices to quit, changes of dealing, and dismissals from employment, which have taken place in consequence of the late election. Most assuredly the total number would be large and remarkable, considering that in the town of Grantham alone Lord Huntingtower sent thirty-seven notices to quit to his various tenants. And be it observed, that the number of hardships of this sort actually inflicted, forms but an infinitely small proportion of the cases of undue interference; for they are the instances of persons open to injury who have the courage to disobey threats and brave the consequences: and if these be numerous, how much more numerous are the instances of those who submit. We know well that where the law forbids any act on penalty of a moderate fine, for one person who is made to pay the fine, a thousand are deterred from committing the forbidden act, and it is upon this fundamental supposition that the advantage of prohibitory laws is calculated. But if this is true when the law threatens only a small fine, how much more true is it when self-appointed dictators are enabled to threaten serious loss, and often absolute ruin? You disfranchise altogether men who have employments in the Customs or in the Excise, because the law presumes that they cannot vote independently of the Government which appoints and removes them. Follow out this presumption, and calculate the thousands and ten thousands of voters who are no less dependent on private patrons than officers of Excise are on the Government. You will then be able to appreciate the fearful extent to which constrained and insincere voting pervades your representative system. The vote of an elector thus under control is no way beneficial to the country, because it carries no new substantive choice into the national aggregate, and amounts to nothing better than a duplication of the vote of the patron. And to the voter, himself, assuming the absence of sinister purposes, what is the value of the privilege? In numberless cases the franchise is felt and hated as a burden; and if any man doubts this, the bitter experience and the humiliating answers of a canvass, will be quite sufficient to teach it him. Why, indeed, should we doubt it? What value can a man set upon a privilege which conveys to his mind nothing but a galling sense of degradation—a feeling that he has a preference to which he dares not give effect? I believe most firmly, that over and above the defective public working and unfaithfully national result, of the present representative system, if we measure the extent of private evil which elections now occasion—if we regard the disastrous twilight which they shed over all the relations of social life—the tyranny on the part of the great, the struggle to be tyrannical on the part of the middling, and the reluctant submission on the part of the humble — the fatal examples of loss and ruin entailed upon conscientious behaviour, and of success purchased by unprincipled compliance—the discord and suspension of intercourse between equals and neighbours, and the factious riot and disorder which now periodically recurs in our boroughs and counties,—if we contemplate this deplorable catalogue of social evil, the inevitable consequence of a sharp contest by open voting, we shall find that on this ground alone, even if there were no other, our elective system cries loudly for amendment and regeneration. *Dicere vix possis, quam multi talia plorent!* I predict with confidence, that the present elective system, if the liberty of the franchise still continues to be left without protection, must, in a short time, fall into the same state of degeneracy and disgrace as the old system prior to 1831. To rescue it from this fate, it is a matter of urgent necessity to adopt the best remedies in our power against the evils with which it is infested. *Tentanda via est;* I call upon the prudence as well as the patriotism of those who supported the Reform Act when it was first proposed, and who hailed with warm enthusiasm the generous purposes which it promised to accomplish—I call upon them to assist me in subduing those abuses which they both acknowledge and lament. Let me remind them, that in proposing the ballot I do not contravene any one of the provisions, I do not reverse any one of the principles, of the Reform Act. The noble Lord, the Member for Stroud, in the opening speech with which he introduced the Reform Bill, in March, 1831, expressly stated, that the question respecting the best mode of taking votes was one which he did not intend to enter upon or determine. And by the subsequent speech of the noble Lord, made last August at Stroud, and confirmed by the recent speech of Sir James Graham at Carlisle, we learn that the ballot formed part of the original scheme of the Reform Bill submitted to the Cabinet of Lord Grey, by those Members of that Ministry upon whom the task was devolved. Let it be remembered, too, that this original scheme was based upon a constituency of 20*l.* householders, and not of 10*l.* householders; and if the ballot be required to protect voters of a higher qualification, it becomes doubly necessary to protect those of a lower. Besides, the alterations made in the Reform Bill in its progress through Parliament were all of such a nature as to strengthen the argument in favour of the ballot; the strongest observations to this effect were made by Lord Althorp and others at the moment when the clause giving votes to the *50l.* tenants-at-will in counties was carried by the House of Commons. So that the Reform Act, as it ultimately passed, stood far more in need of the safeguard of the ballot than the Reform Bill as it was originally projected. I am quite sure, that neither the proposer nor the supporters of the Reform Act could have intended to commit a deliberate fraud, by conferring votes on persons whom they knew to be dependent, and with the premeditated intention of debarring them from any free will of their own. And with regard to the noble Lord, the Member for Stroud, in particular, there are declarations of his on record expressing the strong repugnance which he felt to the extensive intimidation which forced itself upon his notice, and intimating, that if this system should continue, the adoption of the ballot as a remedial measure would become inevitable. One extract I will quote from a speech made by the noble Lord, at Torquay, in September, 1832. In that speech the noble Lord, after having expressed his strong sense of the "terrible position" (as he terms it) of the landlords, and of the great power which they had the means of exercising over their tenants, expresses also his anxious hope, that landlords would not avail themselves of that power fully and extensively. The noble Lord then states his own strong objections against the ballot, and proceeds thus:—"Great as I apprehend the inconvenience of the ballot would be, yet if it come to this, that I must either adopt such a measure, or that I must see the tenantry of England ranged at elections contrary to the feelings and wishes of themselves, I should have no hesitation —I should have no doubt—I should renounce my previous opinions, and I should at once adopt the vote by ballot." Five years and a half have elapsed since the noble Lord made the memorable speech to which I have just referred. There have been two general elections since that period, and a great many separate and individual elections: a large body of experience has been acquired, extensive means of judgment have been brought within our reach, respecting the causes on which success and defeat at an election now turns. I ask what the result of that experience has been? Has it tended to show, that the "terrible position and power" which the noble Lord recognised as lodged in the hands of landlords over their tenants has remained unused — a sheathed weapon, rendered harmless by the generosity of the wearer? Or has experience proved, that the landlords of England have not been content with simply possessing that power, but have used it abundantly and unsparingly, and that too for the very purposes which the noble Lord here so unequivocally reprobates—for the purpose of compelling and coercing the votes of their tenantry? On which side has been the verdict of experience? I might answer in the words of Lord Dinorben, spoken at the public dinner in Flintshire; of Sir James Gisbon Craig, at Edinburgh; of Sir Colman Rashleigh, in Cornwall, of my hon. Friend, the Member for West Surrey, at Guildford; and of several other Gentlemen of strictly Whig politics, who have been induced by that very experience to abandon their objections against the ballot —objections originally quite as strong as those entertained by the noble Lord, the Member for Stroud, himself. I might answer in the words of the numerous petitions in favour of the ballot which have been laid upon your table, many of them signed by persons who were not in favour of the ballot five years ago; and amongst those petitions the noble Lord will not forget the petition from the inhabitants of Stroud, his own constituents, signed by 2,100 persons, including more than 500 electors of that borough, and a large proportion of his own friends and supporters. Sure I am that for all those who, at the passing of the Reform Act, held their minds open to be convinced by experience whether the protection of the ballot was or was not required, the subsequent experience has spoken with a voice too plain to be mistaken, too loud to be unheard. I have said that the ballot in no way contradicts either the scope or the enactments of the Reform Act. But I go farther: I contend that the supporters of the Reform Act, if they wish to insure the efficacious and creditable working of their own measure—if they wish to reap the good which they have themselves sown, must inevitably strengthen the Act with new defences against the briber and intimidator; they must adopt the inexpugnable safeguard of the secret vote. It is their only chance for preserving the Reform Act from contempt and rottenness; and, indeed, when I look at the preamble of the Reform Act, I find the words not only consistent with the proposition of the ballot, but absolutely such as it is impossible to satisfy and comply with, under the open mode of voting. For what are the words of the preamble? "Whereas it is expedient to check abuses in elections, and to diminish the expenses of elections." These are the principal items; and let me ask, have election abuses been checked? The universal voice of England, confirmed by the evidence taken before your own Parliamentary Committee, attests that they have not. Have the expenses of elections been diminished? Alas! for human foresight. I believe most firmly, and I think I should find myself borne out by the authority of the best informed election agents, that as much money in the aggregate has been spent in the last two elections, as ever was known on similar occasions before. I confidently assert that the effects of the Reform Act have not been correspondent to its preamble, and that, if it is intended that they should ever become so correspondent, this can only happen by the aid of the ballot. In fact, to say that the ballot is a proposition inconsistent with the principles of the Reform Act, is merely to affirm in other words that bribery and intimidation are part and parcel of the Reform Act. I am sure that its sincere partisans will be slow to stamp it with such indelible ignominy. Why do I say that the ballot will achieve the mighty work specified in the preamble of the Reform Act, and which the Reform Act itself has failed to achieve—the work of checking abuses and diminishing expense at elections? I say so, because all this outlay and all these abuses assume the publicity of individual votes as an essential condition. There are two leading varieties of election abuse—intimidation and bribery; intimidation, be it recollected, by far the most extensively practised of the two, because it costs nothing to the intimidator, while bribery necessarily involves a sacrifice to the briber. Now, I maintain, that it is a manifest absurdity either to threaten a man with evil or to tempt him with a gift, conditionally upon his performing any given act, when the act is of such a nature that you can never know whether he does it or not. The secrecy of the act places it out of the reach both of reward and punishment. When an elector votes in secret, it is absolutely impossible that he can be made either to incur loss or to gain profit, in consequence of the way in which his vote is given. It is perfectly well known, that in all human enactments the clearest prohibitions and the sharpest penalties are a nullity when you can obtain no evidence to enable you to distinguish between obedience and evasion; nor has despotism, in its wildest freaks, ever gone so far as to believe that it could effectually interdict, or effectually command, any acts which were in their nature secret. Here stands the impassable limit to human authority in its efforts to restrain the liberty of mankind: it must have evidence to proceed upon, arising out of the modes of conduct which it condemns and desires to suppress. I think that the proposition which I have just stated is too obvious to need farther illustration. It is a trite aphorism of Lord Bacon, that knowledge is power; and the assertion analogous to this is still more true, that absence of knowledge is absence of power. Now, my purpose is to deprive the intimidator of all his power over votes—and I do so by excluding him from all knowledge of the way in which votes are given. This is a method at once simple and infallible: and there is no other method which can advance you one step towards the result. You may try what other schemes you please—you may reason with the intimidator—you may try to sooth or cajole him—you may raise the cry of indignant shame against him—you may hold out to him the prospect of legal penalties. Believe me, intimidation is a practice far too gentlemanlike and fashionable to be subdued by such leaden weapons as these. It is the inmate of courts and manor houses—the cherished companion of lordly bosoms—all the pride of wealth and rank, and all the fierceness of political bigotry conspire to uphold it; the clergyman who discourses eloquently in the pulpit on charity and forgiveness of enemies, neither enjoins nor manifests any such dispositions during a contested election—even ladies of high fashion are not ashamed to direct with their own delicate hands the instant discontinuance of a tradesman who has dared to vote for the shocking Radical. Against intimidators, sustained by the sympathy and example of all that is great and powerful you can do nothing, except by rendering intimidation mechanically impossible. You cannot deprive them of their weapons of offence, but you may withdraw the voter out of their reach, and thus smite them with blindness. I assert, without reserve, that the ballot will accomplish this object—that it will render intimidation altogether impracticable, and that no ingenuity can disappoint its working. Those who now dictate votes by means of the servile and selfish fears of electors, must be content to resort to methods of guidance more consistent with the free will of a reasonable man and the dignity of a fellow-citizen. There are many of them who can employ these gentler methods with perfect success, and who well know how to find their way to an elector's understanding, when the instruments for forcing his will are snatched from their grasp. And those who disdain to substitute persuasion for control, when the ballot shall have banished the angry and tyrannical passions from the field of election, will be left, as they ought to be, to impotent and unavailing complaints. Some persons, not altogether averse to the ballot, maintain, nevertheless, that secret voting will be inoperative to any good purpose, unless you can at the same time prohibit and prevent canvassing; they say further, that canvassing will still be practised, even when votes are taken in secret. To this I have to reply, that the word "canvassing" is of very equivocal import; it includes something which is harmless and even indispensable,—much that is revolting and odious. It is certain that active exertion must be used by some one to make known the name and pretensions of a candidate, and to ascertain how they are received throughout the constituency. This is a task which must be undertaken by some persons who are known in the locality; and thus, in a certain sense, you have a Committee and a canvass, even though voting should be carried on by ballot. The canvasser would go forth to consult the prevailing sentiment, to communicate the necessary information, to rectify mistakes, and to convince as well as he could those who were adverse. But the odious part of the practice begins beyond these limits; it is peculiar to the present system of open voting, and can have no existence under the ballot. It is when your canvassers are not content with trying to convince an elector's understanding, but seek to work upon his will; when they try to importune him into a pledge which his conscience will not allow him to give; when they assail his imagination by motives of worldly interest, by the fear of losing the favours of one man, by the hope of gaining the patronage of another. It is when the customer or the landlord appears in person or by his deputy—concealing the stringency of command under the modest form of a polite request.

"Te semper anteit sæva necessitas,
Clavos trabales et cuneos manu
Gestans ahenâ."

There is no scene on the face of the earth in which the harassing and ungenerous arts of enforcing constrained compliance are more skilfully practised than an English election. There are some men who abhor these acts as they deserve; there are still more who profess to abhor them; and I maintain that both one and the other ought to join with me in introducing the vote by ballot. For of what use is it to forge all these snares when the vote after all must be the expression of the voter's free will—when you cannot by any force or any artifice subvert his ultimate independence? In order to prevail upon him to vote with you, you must induce him to feel and think with you; and for this purpose the importunity and screwing of the present canvass, the solicitations of the customer, or the threats of the landlord will not be only unavailing but injurious. Even now, when canvassers approach a man of independent position, upon whom they cannot in any way bring the screw to bear, the application becomes divested of all its most objectionable elements; it would be equally unobjectionable with regard to every voter, without exception, if votes were taken by ballot; for secrecy makes all voters poor as well as rich, equally and completely independent. When I am asked, Sir, whether the ballot will put down canvassing, I reply, that it will put down the bad part of canvassing; it will abolish the imperative and the seductive canvassing, which addresses itself to the hopes and fears of electors; it will still leave the persuasive canvassing, which addresses itself to their reason and affections. But, then, I am told that the protection imparted by the ballot supposes that the voter violates his promise. "We do not inquire, (say the objectors who use this argument) into the circumstances which have preceded the promise; but after a voter has once made it he ought to keep it at all prices; and any scheme which implies that he breaks his promise includes a degree of moral mischief which in our view overbalances all the benefits of independent voting." This is the argument chiefly insisted upon by those who oppose the ballot; and I engage to shew that it is altogether nugatory as an objection against me. But let me first ask, how stands the fact in regard to broken promises at present? Are election promises under open voting universally kept by the voters who make them? Are no attempts now made to induce voters to break promises once given? Are voters safe from all hazard if they faithfully perform their promises? Sir, when we come to answer these questions accurately, we shall find, that, as the case stands now, election promises are not constantly kept, but very frequently broken; that the reason why they are so broken is, because bribers and intimidators do all they can to induce the voters to break them; that voters are not in the least protected from hazard by the known fact, that they have already bound themselves by a distinct promise. Suppose an elector dependent in his position, a tenant or a tradesman, under the present system of open voting, to promise his vote to that candidate whose principles he approves and prefers, is he for that reason one whit the less importuned and menaced by those upon whom he is dependent? Do they regard the promise as inviolably binding, and the vote as a step already foreclosed and predetermined, so that it would be criminal in them to attempt to disturb it? Doubtless there are some Gentlemen who entertain this feeling, and act upon it; but I do not scruple to assert, that, for one man who feels thus, there are fifty who feel the contrary. A gentleman says to his servant when the Westminster election is coming on, "John, go round to my tradesmen, and let them know, that I am very anxious for the success of Sir George Murray, and that I hope they will give him their votes at this election." "Yes, sir; but what shall I say, if any of them tell me, that they have already promised their votes to Leader and Evans?" "Oh! I can't help that: you must tell them they must oblige me this once, and that if they vote for these Radicals I won't deal with them any longer." Again, what is the behaviour of a country gentleman when the Tory canvassers come and tell him, "Sir, we have been canvassing in your neighbourhood, and Farmer So and So, your tenant, tells us, that he has already promised his vote to the Radical candidate." "Promised his vote to the Radical Candidate! why, what right had he to promise it at all—without waiting to know whom I support? Oh you need not be afraid that his vote will be given against you; I will go and talk to him; the promise is all stuff and nonsense." Sir, this is a faithful picture, however disagreeable and humiliating, of that which now occurs at a contested election. [*"No, no!"*] I say again, Sir, in spite of the denial of the hon. Gentlemen opposite, that this is a faithful specimen of what now occurs. [*Renewed cries of "No, no!" and "Name, Name!"*] Their name is Legion. To hear the arguments urged against the ballot, one would think, that an election by open voting was a school of probity and veracity; and that a voter who had once given his word performed it as a matter of course, without let or hindrance from any one. Instead of which, what is the fact? Why, the promise of a dependent voter is respected just so far as it coincides with the will and the dictates of his superior. In every other case it is trampled in the dust; it is treated as null and void, as if made by a man who is not *sui juris;* the very same motives are held out to him to vote in spite of his promise as would have been held out if he had never made any promise. And, Sir, let me ask, what class of promises is it which the pressure of an open canvass thus causes to be unwillingly broken? Precisely the best class of promises: the free, the heartfelt, and the voluntary promises, which spring from the sincere preference of the electors who give them. Under the ballot all these promises are perfectly certain to be kept with fidelity; the same free will which causes them to be originally made will also cause them to be ultimately kept. The only promise which can possibly be liable to violation under the ballot is the promise, extorted perforce, which does not carry with it the real feeling and conviction of the giver. This is the worst which can possibly happen under the ballot. But I affirm, that this is what will very rarely happen. For who will go about to extort from reluctant voters at the point of the sword these insincere and compulsory promises, when there can be no power of extorting performance? Who will be guilty of an act of ungracious and oppressive interference, which can answer no purpose, and who can only alienate the voter who is made to suffer such degradation? The ballot will strike at the root of the evil, because it will take away all motive and all temptation to compel reluctant promises; and where no reluctant promises are demanded, no such thing as breach of promise will be known. I repeat, that breach of promise, so far from being more frequent under the ballot, will in point of fact be much less frequent than it is now under open voting; for spontaneous promises are sure to be observed, and compulsory promises will not be extorted. Looking at the question, Sir, simply as it regards the legitimate obligation and the just estimate of promises, I contend that the ballot is preferable to an open suffrage. But I will not consent to argue the question upon this narrower ground. I contend, that the reference to private promises is neither the appropriate test, nor even the leading consideration, by which our choice as to the mode of suffrage ought to be determined. I put in a claim on the part of the country to the judgment and voice of every elector, anterior to the claim of any private promise. The elector is under a paramount obligation, from which no act of his own can discharge him, to give his vote according to his own conscientious preference. If he chooses to make any promise at all in reference to the disposal of his vote, it must be at least in conformity with the dictates of his own conscience; he will then be enabled to perform his promise, and to acquit himself of his paramount electoral obligation by one and the same act. But a promise to vote contrary to his own inward judgment, what is it better than a covenant to commit a distinct breach of duty—premeditated breach of a solemn public duty? If there be in human affairs an immoral and unlawful covenant, assuredly this is one of the deepest dye—an agreement to set aside a known public obligation for the accomplishment of some private purpose—wrong in the man who gives the pledge, but often excusable from the dependence of his position; wrong in the highest degree, and altogether without excuse or extenuation, in the man who extorts it. What should we say, Sir, of a plaintiff in one of your courts, who should demand from any witness a pledge that he would deliver false testimony, or from a juryman a promise that he would stand out for a dishonest verdict? Why, the seal of infamy would be set upon him for ever. But where is the difference in principle, or in what respect am I less guilty, if I take advantage of the dependent position of my tenant or my clerk to force him to break his electoral trust? You may tell me that the one act is more common than the other, and, therefore, does not imply the same moral guilt: I admit that it is so; but the very same guilty principle pervades both. The noble Lord, the Member for Liverpool, whom I do not now see in his place, in a speech which he made during the recess, expatiated with great horror on a declaration made by the hon. Member for Dublin, that, under the ballot, a man might shout for West and Hamilton, and yet vote for O'Connell. This, in the noble Lord's opinion, was the very acme of immorality, that a man should speak one way and vote the contrary. Immoral as this may be, Sir, I shall show the noble Lord that the same immorality does happen, and must happen, under the present system of open voting, of which he is the champion. The man who, under the ballot, would shout for West and Hamilton, and yet vote for O'Connell, what does he do now, his heart by the supposition, being with O'Connell? Why, he votes for West and Hamilton, to be sure; but wherever he can express his opinion without constraint, he talks in favour of O'Connell, he drinks O'Connell's health, and heartily wishes him success. The very same contradiction between vote and speech—the very same falsehood and immorality which the noble Lord denounces as the exclusive attribute of my system—meets him just as unavoidably on his own. Do what you will, you cannot avoid it when once the intimidator has put in his coercive grasp; immorality and falsehood of one kind or other there must be whether the voting be open or secret. I say, that when the vote is made secret, the intimidator will not interfere any longer, because he has nothing to gain by it; the lie makes against him instead of making for him, and, therefore, he will not cause it to be told. You hear it sometimes argued, Sir, that open voting makes the elector responsible to the public, and that secret voting removes that responsibility. But this is a mere abuse of terms. I am prepared to show you that there neither is nor can be any responsibility in the case. Responsibility, in its only legitimate meaning, can attach to nothing but to the performance of a man's duty; a man is responsible when he is liable to loss in the event of discharging his duty badly, and when he is protected from loss in the event of discharging it well. Now, what is the duty of an elector? Simply to deliver his own opinion sincerely and conscientiously, let him be in the minority or in the majority—let him agree or disagree with whom he may; my neighbour and I may both discharge our electoral duty with equal fidelity, though he votes for a Tory and I vote for a Radical; it would be wrong in him to vote as I do; it would be wrong in me to vote as he does. Now, Sir, this being the sole duty of an elector, will any man tell me that publicity of suffrage makes him responsible for discharging it well? Will any man tell me that every elector who votes sincerely and conscientiously is protected from loss, and that no elector becomes liable to loss except when he votes otherwise? The reverse is notoriously the fact; and it is because the reverse is the fact, that the ballot is demanded. Let it not be pretended, then, that publicity makes an elector responsible for the discharge of his duty; all that publicity does is to make him liable to ill usage from those whom he opposes, and to good usage from those whom he supports. Who will be found to call this by the imposing title of responsibility? Why, it is only seduction and intimidation under a new name. And not only does publicity of suffrage contribute nothing to keep a voter in the right way against his will (which would be the only object of any real responsibility), but it tends most powerfully to drive him into the wrong way against his will. In a contested election the public are divided into partisans on both sides; no one ever takes the least thought about the sincerity of votes; every one thinks that he is serving the public by multiplying votes on his own side, no matter whether these votes represent genuine convictions or not. It is thus that the real public obligation, the genuine electoral conscience, is left destitute of all support or guarantee from without, while it is exposed to assault and importunity of every kind from those whose good will or ill will bears closely upon the comforts of the elector. Such are the effects of an open suffrage; so far from creating an efficient public responsibility—so far from providing new securities for conscientious voting—it only lets in fresh dangers, and sows factitious seeds of evil. Let the elector vote in secret, and the path of duty becomes at once smooth and easy; he will have no perils to defy, and no temptations to resist. Sir, I shall now commend my proposition to the judgment of the House, intreating from them an impartial and dispassionate decision, such as the magnitude of the question demands. The fact is notorious and indisputable, that the representative institutions of this country have become the prey of internal corruption and intimidation: the form remains inviolate—the ceremonies are exactly observed—but that free influence of public conscience and sentiment, which alone can give to these solemnities any meaning or any value, has been checked and frozen up at its source. There is a method of re-opening this frozen current; there is a method of insuring to the real feeling of electors an easy channel and a certain delivery at the poll-booth; there is a method of sweeping away all those interested hindrances which now rise up to obstruct the faithful performance of electoral obligation. That method is the ballot; an expedient simple, effectual, and self-operating. From those who look upon bribery and intimidation with unaffected censure and disgust—from those who feel unshaken faith in their own political creed, and who disdain to promote it by the aid of unworthy artifices—from all such persons, to whatever party they may belong, I confidently anticipate support, because I feel that my proposition deserves it. I implore them not to sit with folded arms, and with a passive resignation worthy only of Turkish fatalists, whilst the worst plagues desolate our constituencies; nor to content themselves with unavailing complaints, as if it were the destiny of the age to corrupt and to be corrupted—to intimidate and to be intimidated. Depend upon it, Sir, these vices may be subdued, if we choose to adopt the right remedy; they are predominant only because we are supine; they subsist only by our toleration or connivance. It is not for us to complain of corruption and intimidation, while we refuse to honest voters the means of performing their duty in peace and safety—while we cling to a system of voting which permits the rights of conscience to be trampled on with impunity, and holds out an easy traffic to the selfishness of dishonest electors. Under a secret suffrage every vestige of intimidation will and must disappear; the independence of each separate voter, poor as well as rich, will be built upon a rock which no violence can disturb and no artifice undermine. Believing, as I do, that the exact record of genuine electoral sentiment, at proper intervals, is the main purpose and the inestimable blessing of all representative institutions, I cease not to contend for the ballot, as a step essential to its attainment; and I have full confidence in the good sense and patriotism of my countrymen, that they will not permit freedom of election to perish for want of its legitimate guarantee.

Mr. *Ward* rose to second the motion. He was well aware of the difficulty of offering to the attention of the House any new argument on a subject which had been so frequently discussed in that House, and which had been so ably dealt with by his hon. Friend as to leave little for his fellow-labourers to supply. He trusted, however, that on one or two points it was in his power to add something to the clear and eloquent statement which had been made, by pointing out the practical defects of the present system. The English were a practical people, and, when any practical grievances were proved to exist, all parties in that House boasted of their desire to remove them. The right hon. Baronet, the Member for Tamworth, had, on a former occasion, said, that "he would remove all proved abuses," and in this avowal the Gentlemen who sat by the right hon. Baronet's side expressed their full accordance. If, then, it had been proved to the right hon. Baronet that the present system was pregnant with proved abuses, that it was fraught with evils of frightful magnitude, that the evils were daily growing larger, and that they were becoming more apparent at every succeeding election, would the right hon. Baronet now refuse redress? He called upon the right hon. Baronet not to shelter himself under the silence which he had so strictly observed on the two last occasions when this subject was discussed; he called upon the right hon. Baronet not to conceal his opinions, and state whether he would remove the proved abuses of our electoral system, by applying the only remedy which human ingenuity had as yet been able to suggest? Would the right hon. Baronet come forward and deny the abuse? Would he or his Friends suggest any other remedy? Let them at least tell the country what it had to expect from them by way of redress for this practical and proved abuse. He supposed that the right hon. Baronet attached some importance to the words he had used; he supposed that he was sincere in his professions; and when he heard so often the "cuckoo cry" which had run through the Tory ranks ever since the publication of the Tamworth manifesto, he did fancy that some meaning was intended by it. If the abuses were so great that the table of that House was covered with indignant complaints from some portion of almost every constituency, they had a right to call on the right hon. Baronet to say how he would deal with those abuses, and what remedy he would apply. If the right hon. Baronet derided the suggested means of redress, he would at least show how he would remove the evil, and how he would relieve the people from this proved and much-complained-of abuse. Since the Reform Bill had been introduced, the principle and the practice of the electoral system had been completely at variance. In that bill an important change had been made by a clause introduced by the noble Marquess, the Member for Buckinghamshire, in favour of the county constituencies in England. They had all beheld the working of that clause, and he therefore invited the serious consideration of the noble Lord to the effects produced, to see whether the grounds on which he had recommended it to the attention of Parliament had been established in practice. He well knew the deep interest which the noble Lord felt in the welfare of the yeomanry, not in his own county alone, but throughout England. He knew how justly high the noble Lord stood in their estimation—He had no wish to rob the noble Lord of any merit, but he wished him to compare his theory of that clause with its working in practice, not only in Buckinghamshire, but elsewhere. The principal reason assigned for its introduction was the perfect independence of the 50*l.* voters. It was urged by the noble Lord that the farmers were a sound, good, honest, and independent class of men, particularly valuable on account of their independence; and that while they were giving a new constitution to this country, there was no place for the farmers in the great charter of liberty. The noble Lord dwelt much on the value of these qualities as entitling them to the consideration of the House; the argument and feeling of the noble Lord were shared in by other Members holding the most opposite political opinions. It was held by more than one Member that the farmers were as necessary to the landlord as the landlord was to them. Lord Western, when a Member of that House, had said that the farmers were most unquestionably an intelligent and independent race of men, and that "the franchise was not calculated to diminish their independence." The hon. Baronet the Member for Shoreham (Sir Charles Burrell) maintained that they "were a most thoroughly independent body;" and the hon. Member for Winchester (Mr. Mildmay) declared that, in his opinion, "the franchise was calculated to improve their position and elevate their character." The only person in that House who had held language at all opposed to this was Lord Spencer, then Chancellor of the Exchequer; he alone denied the existence of this independence, pointed out the disadvantageous operation of the franchise upon their interests as farmers, and the impossibility of exercising it freely without the ballot; the noble Lord had added that, if the clause were carried, it would probably render the ballot inevitable, which would alone correct the evils to which the clause had given rise. As to the working of the clause, Lord Spencer had undoubtedly been a true prophet. On a division, however, the clause was carried by the large majority of 232 to 148. The majority was composed of the Radicals and aristocracy united, for the Radical party had on that occasion coalesced with the aristocracy on the principle of extending the suffrage, and they were, consequently, to some extent responsible for the evils to which the clause had given rise. It became, however, a part of the Reform Bill, and was now the law of the land. He had no wish to see it repealed; but he did wish to see the evils corrected, and that it should be made what it ought to be and professed to be. He called upon the noble Lord to assist in the correction of the evils which had occurred—he called upon him to work out the principles which he had professed—he called upon that noble Lord to secure the independence for which he had vouched, and to render the yeomanry what he conceived them in theory, but which they were not in fact. As the case now stood the franchise was a curse rather than a blessing. Did not the noble Lord know that it had been a fatal boon to every honest man who happened to entertain different political views from those which were held by his landlord? He admitted that a great portion of the farmers agreed in the political views of their landlords, but the ballot would make no difference in this respect; it would not make the farmers Radical, nor would it compel them to vote for the Radical candidate. It would ascertain the real sentiments of the yeomanry, whether they were Radical or Tory. Why, then, did hon. Gentlemen opposite cheer the sentiment that many of the farmers from mistaken views, as he thought, supported the Tory candidates? Why they opposed the ballot, unless they doubted the prevalence of the feeling, and were afraid of the test, was a mystery which he could not explain. Did not the noble Lord know that so far from the tenants being allowed to remain independent, and vote as they liked, their votes were appropriated by the landlords? If they were even indisposed to acquire the right, and neglected to register, there were many instances in which they were compelled; and if they were objected to they were forced to defend their right to be placed on the register? He could quote one instance which occurred in the west riding of York, and in which he believed the noble Lord, the Secretary for Ireland, could vouch for the facts. Many of the landlords there had changed their political opinions. If they pleased, they were at liberty to change, but was it because they changed that their tenants must also change? Must they veer about from Liberalism to Conservatism, contrary to their own reason and to their own opinions, and although they might not have the same interests to serve as those which induced their landlords to alter the course of their political conduct? Or should it be said that they should act upon the bidding of their landlords, in ignorance and in slavery? He would state a case, for the truth of which he could vouch. In the West Riding of York a body of tenants had gone to the noble Viscount by whom they were represented, and had begged that their votes might be objected to, alleging as a reason, that they were anxious not to offend either party by voting contrary to the desire of either, and the objections in some instances were absolutely made. He vouched for the fact of such applications having been made, and he would ask what franchise had those persons? The votes of the tenants were in all cases looked upon as the chattels of the landlord, in which they had a right to deal, and of which they might dispose. Even the neutral plan of not voting was construed into a species of crime, by which the tenants wasted the property of their landlords. The effect of the clause in the Reform Act was to divide all large estates into holdings of 50*l.* each, and to give the landlords a species of feudal right over the votes. This had been the pernicious effect of the clause in many parts of the country, and during the last two registrations, where a farmer had held a farm of 200*l.* yearly value, he had been compelled to join his son or his nephew, or some other person at all events in his lease, to increase the number of serfs or slaves on the estate, and in effect to revive the state of things which existed formerly in Gatton and Old Sarum. This clause had been introduced by the noble Marquess himself, and he would call on him to endeavour to remove the stigma which he had cast on his favourite class, and to join the hon. Member who had brought the present motion before the House in endeavouring to secure the future welfare of the country, by procuring the adoption of the system of vote by ballot. [*A laugh.*] Hon. Gentlemen might laugh, but even more improbable things had happened, and he did not despair of seeing hon. Gentlemen opposite actually join the hon. Member for London in his attempts to give something like an equality to the franchise, and to extend it to the farmers. The right hon. Baronet opposite had said at the commencement of the session that the constitution might be cut and carved, and altered and remoulded, but that such a system as that proposed could never be adopted, for it would not suit the interests of the country. Let the House come to the test, and they would find that the Conservatives would never oppose any measure which left the power of coercion safely in their own hands. He would, however, call upon them to join in supporting this measure, for he was prepared to say that it would produce general benefit and a general satisfaction throughout all constituencies. He was ready to submit his principle to the only tribunal which could decide upon the point, and he could not see what rational objection could be urged against it; nor could he see that it would produce any other end than one which was favourable to the interests of the country generally, and which would at once dispose of the existing abuses with regard to the franchise. The ballot would not destroy the existence of proper feelings in the minds of the people nor put an end to legitimate influence. He did not suppose that it would destroy the influence of the noble Marquess opposite (Chandos); but he was sure that if he should come forward and support it, it would at once remove all suspicion that the noble Marquess had obtained his seat by the exercise of coercion. He would now come to that other argument so often used, and which he had heard so many hon. Gentlemen opposite cheer; that the ballot would substitute something like duplicity and deceit for the frank, and manly, and old English system which now so happily existed. Now, he would ask hon. Gentlemen opposite to tell him what there was frank and manly in the system of men strongly in favour of one party being carried to the poll by force, decked out with the colours of the party opposed to them in politics, to vote for the candidate whom they disliked? He could see nothing frank or manly in it, and there was nothing so admirable in the system which could induce hon. Gentlemen to support it in preference to secret voting; and when it was recollected that the right to vote did not proceed from the accidental circumstance of land being held under the Duke of Bedford or the Duke of Buccleuch, or because it was held of any large capitalist, but was the constitutional right of the voter, there would be little doubt of the propriety of adopting the proposed system. The House was told that the ballot would introduce a degrading system of falsehood; but a very clever pamphlet had recently been published by a Mr. Dennison, in which he said—

> "The employer and the employed will thus be in the situation of two antagonist tacticians. And we shall have Livy's description of the rival stratagem of Hannibal and Fabius reduced to the scale of private discord, and realised in the petty arena of an English farm-yard. But which will be victorious? Here we behold the stout sagacious farmer hedged in on every side and guarding against all surprise; then the subtle, active, prying agent, keenly intent on his own object, and resorting to all the crafty wiles that practised ingenuity can suggest to pluck out the heart of his mystery—flattering the wife, coaxing the children, bribing the domestics, wheedling the friends, seducing the man himself into a state of semi-intoxication, in order to drown his caution and stir up his courage, and then take down his words; converting casual expressions into open avowals, putting the question boldly, and then construing hesitation or silence into assent."

If he could contemplate such a state of things as this arising from the introduction of the ballot he should at once say, "Let not an experiment which is so dangerous in its consequences be tried." But he was convinced that such a representation, if applied to the evils which might follow the adoption of the ballot, would be grossly exaggerated and quite untrue; and he would ask whether there could be anything more un-English—for that was the favourite word which was now used—than the system of espionage thus pointed out? Was there one Member of that House who would support any plan which could lead to such results? He would not believe that there was; he would not do the House the injustice to believe it. There might be acts of violence in times when party feeling ran high, but he could not think that any hon. Member could use such means as those pointed out. He did not then attach much importance to this argument, but firmly believed it to be founded on false grounds. Then it was supposed that the landlord had a species of right to dispose of the tenant's vote, and that no measure ought to be passed which would put the tenant in a position in which he might evade the power of his landlord. Now, if this were correct, he was willing at once to admit that the principle of the ballot was a mistake; but the right of the tenant to vote was vested in himself and not in the landlord, and the latter was forbidden to interfere with or to limit the exercise of the franchise. In large towns, he admitted that the mischief existed to a comparatively trifling extent, because the power of landlords was much less than in the country districts, and the evil of intimidation was not carried so far; but the encroachments on the part of landlords and of customers in towns were extending fast, and some means must be adopted to prevent their becoming as great in towns as in the country. Surely, nothing could be more preposterous than that a person should exercise an influence over a voter merely because he happened to be a customer at his shop; but yet this power was claimed to a very great extent in London and other large towns. He never saw anything more beautiful or more perfect than the organization of the system at the last two Westminster elections, and he never saw anything which redounded more to the credit of the hon. Gentlemen opposite; but, at the same time, he must declare, that he never saw anything more dangerous than the system of intimidation which was used. He saw people carried up to the poll by their richest customers, and deprived of all opportunity of exercising their own opinions and feelings in voting, and compelled to vote for the candidate to whom, perhaps, they were opposed in principles and in politics. He said, that this was a most dangerous system; but he would, no doubt, be told that at another election there had been interference of another sort and by another party. He had no doubt of it, but he objected to interference at all; for let the House look at the difference which appeared to have been effected in the opinions of voters. Some of them would be found voting in August in favour of men professing politics diametrically opposite to the opinions of those for whom they voted in May, and this wholly and entirely because the persuasions of the party could not be brought to bear so well in the latter month as they could at a subsequent period. He himself had doubts as to the extent of the good effect which this measure would produce in small constituencies, but in large constituencies, where all the votes could not be purchased, he felt no hesitation in saying that it would have a most beneficial effect, and that it would at once put an end to the crime of bribery. While referring to this subject of bribery, he would call the attention of the House to the means adopted to prevent its discovery when the offence had been committed. At the last election, the bribery oath had been actually administered by the persons bribing to those bribed, in order to render the evidence of the latter useless in the event of their afterwards confessing that they had been guilty of accepting money for their votes. He would ask, if anything could be conceived which was more disgraceful than this system of perjury which was thus adopted? And he would ask, whether this motion of the hon. Member for London was not likely effectually to put a stop to such proceedings? The question was, could secresy be insured by ballot? This question had been so often mooted, and a satisfactory answer had been so often given to it, that he thought no doubt could exist of the fact, and he believed, that if hon. Gentlemen opposite were not convinced of the fact they would not oppose the motion. Another opportunity would now be afforded to contest this question, but he believed that the objections of the opposition would melt rapidly away, and that secrecy might and would be obtained. Then what other objection was there? The only one which was put forth was, that the ballot would change the national character, for that it was the nature of Englishmen to speak out. Why, that was the very point on which the friends of the ballot complained now, for the present system prevented them from speaking out. Nothing of the real feeling of the country could now be ascertained. But let secret suffrages be granted, and then there could be no doubt that the real opinions of the people would be learned. He was willing to abide by them be they what they might, and he was sure that no hon. Member on that side of the House could reasonably complain of them. But it was said, that the ballot had failed already, and ancient and modern history had been cited to prove it. He did not think, however, that ancient history could be fairly depended upon, from the difficulty which existed in the real facts being ascertained; but, as an instance, in proof of the argument, it was said that the ballot was adopted in Rome, and was found, instead of producing a beneficial effect, to have increased corruption. That, however, was a fact rather difficult to establish, because it could not be distinctly learned whether corruption had not existed before, and had taken such root that the ballot was an insufficient remedy. That might turn out to be the case here, and the longer it were delayed the more likely would be such a result. To come to modern history, the hon. Member for Tynemouth said, that it had failed in America. But it had been adopted in only half the states, the other half continuing the system of open voting. Had the hon. Member shown that any of the states which had adopted it had afterwards gone back to open voting? No; but he, on the contrary, was prepared to show, that several of the states, Connecticut, Louisiana, and Kentucky, for example, had actually since adopted the ballot. Surely this was not a proof of its failure. The ballot, therefore, having been successful in America, where things tended to produce a different effect, there could be no reasonable probability that it would fail in England. In America, most men were indifferent whether their votes were known or not, and there was, generally speaking, a great laxity in the mode in which elections were conducted; but still the ballot was supported because it was known to render the proceedings tranquil, and to tend to the prevention of bad feelings being entertained. The other country alluded to was France, which was in a position precisely opposite to that of America. In France there was but a small electoral body; but yet in all instances when the feelings of the people were excited it was found best calculated to elicit their real independent opinions. He would defy any hon. Gentleman to name any French statesman who had expressed the slightest wish to substitute open voting, or who had given it as his opinion that that system was the best. He feared that he had already trespassed too long on the attention of the House, and there was only one other objection to which he would refer. It was said, that the franchise, as now established, was not a right given to the people, but only a trust placed in their hands; and the right hon. Baronet opposite, in the last speech which he made upon this subject, on the 2d of June, 1835, appeared to have a confusion of ideas which which was quite unusual with him. He said he "could see no reason why, if the ballot should be considered good for the constituents, it should not also be good for the representatives, and why the sytem of voting by ballot should not be introduced into the House of Commons." Now, a more complete confusion of ideas than this he could not conceive. Hon. Members were sent to that House with a trust delegated to them by their constituents, and the constituencies had a right to know how the trust was performed, but the electors were the constituent body, and there was no person from whom they derived their rights as electors. If the system of primary and secondary electors existed, as under the Cortes in Spain, this argument perhaps might apply, but the franchise was clearly the right of the electors; it was given to them upon certain conditions being performed, and then it was absolutely their own as much as any other property could be. Voters were acted upon at present by two causes, a superior and inferior cause, and the mischief was produced just as much by the dislike which would be known to be expressed by the landlord of the voter as it was by the open and violent expressions of a mob at Huddersfield or elsewhere. But the right was not acquired from any person, or any body of persons, but from the law, and when it was once obtained it was perfect in all its parts. It was the futility of all the arguments which were urged against the ballot, coupled with the feeling which existed in favour of it, which had tended to work up the public mind to its present state. There was a feeling gradually rising up which was becoming every day more wild, and which proceeded from a sense of wrong. Was there any doubt of the fact that there had been petitions presented to that House from almost every large constituency in favour of the ballot, and was it not the fact that in those constituencies from which petitions had not been presented the fear of the landlords had been the real cause which prevented this step being taken; for if any petition had been sent it would be deemed open rebellion against the landlords. There was no doubt, however, that after the long period during which this question had been under consideration, and the observations which had been made upon the subject, the people of England believed that the question was one only of expediency, as to time, and not as to principle. The declaration of the noble Lord the Member for Stroud, which was made at the commencement of the Session, had given an importance to the present debate, and to the division which was now likely to take place, and which it would not have obtained under other circumstances. The people were most anxious to know how far the opinions so expressed were the individual opinions of the noble Lord, and how far the Members of the Government were prepared to identify themselves with them. They bore in mind the opinions expressed by all the different Members of the Government, and they anxiously looked to see whether they really entertained them. There was one right hon. Baronet in the cabinet (Sir J. C. Hobhouse) who once represented Westminster, and who was formerly a most enthusiastic admirer of the ballot, and he at least should now be consistent in the opinion which he expressed, because, however natural the change might be, considering with whom fortune had joined him as a colleague, yet his change of opinion would at least tend to shake the opinion of the public in favour of public men. There was another right hon. Gentleman, (Mr. Poulett Thomson) who was returned by the constituency which he represented with the utmost confidence, without solicitation, without canvass; but the time had now come at which all opinions entertained in favour of the ballot must find expression in that House. He saw another hon. and gallant Member (Sir Hussey Vivian) in his place, whose constituency, to the number of 2,000, had signed a petition in favour of the ballot. He surely could not hesitate in the course which he should adopt, and would give his support to the motion of the hon. Member for London. In the person of the right hon. Gentleman, the Member for Dundee, he saw another instance of the same kind. From all these Gentlemen, and from many more whom he could enumerate, would not the country expect a plain "aye" or "no," for or against the motion? He trusted that the answer which should be given would be at once satisfactory to the hon. Members and to the country; but he would call on them to reflect deeply on the consequences of the vote which they might give; and he must express his conviction that anything like a Government opposition to the motion, in which the country was so deeply interested; would have for its effect the production of a new combination most important to the country and to this House.

Mr. *Herbert* was understood to say, that he fully concurred in the case made out by the hon. Member for Sheffield, as to the necessity for some measure to suppress bribery at elections. The law upon the subject at present was not sufficiently stringent; but he would not resort to the ballot, because he conceived that other means more fitting and effective could be adopted. With regard to intimidation, he still less saw how the ballot would effectually remove it. The hon. Member for London had, he thought, laid too much stress upon after-dinner speeches, and expatiated too widely upon his remedy, without showing exactly how it would operate in this respect. He was rather inclined to trace intimidation to unions and combinations, and Irish associations, to defeat the ingenuity of which, in order to secure secret voting, they could not hope by speculative acts of Parliament. Recollect that a voter should not only be obliged to conceal his vote, but the sentiments he entertained; and if that were difficult, as it would be in ordinary cases, how much more difficult would it be as regarded unions and clubs, whose tyranny was much more to be feared than that of landlords, because they made life horrible by social persecution? How, also, would the ballot guard against priestly influence in Ireland? Did they expect that law would overcome superstition? or that it would prove a remedy against the confessional as a mode of communicating secrets? Was it not in evidence, taken before the Carlow Committee, that Father Maher made a woman confess the secrets of her husband? They had it also in evidence before that Committee, that Father Maher told the electors, previous to the election, that if they did not vote in a particular way, he would visit them in the mitigated penalty of massacre in this life, and eternal damnation in the world to come. He need not say that the ballot, or indeed any legislative measure, would not prove a remedy against intimidation of this kind. On the question of the morality of the practice of making false representations for the purpose of preserving secrets, the authority of Dr. Johnson had been referred to; but it was to be recollected that that great casuist entertained grave doubts how men should act in such cases; and with these grave doubts, which hardly any honest or moral man could help entertaining, would the House assent to a proposition which every two or three years would expose the whole constituency of the country to the necessity of doing that respecting the morality of which grave doubts could be entertained? Surely, it could not be supposed that Parliament would deliberately take a measure calculated to familiarise men's minds with falsehood. Marked exception had been taken to the argument against the ballot, which was founded upon the assertion that the practice was un-English; he certainly so considered it, and he felt himself strongly averse to the introduction of any new principle alien to our habits, and, as he conceived, inconsistent with our institutions. A high standard of morality had been attained in this country, and in his judgment our free Government and liberal education were good for nothing if they did not in their present state continue to us those advantages which they had been the means of conferring, and were fully capable of perpetuating. It had been contended, that the franchise was a legal right—that he denied; it was not a matter of property, but of grave and serious trust, to be used for the public good, and not for private purposes, or to gratify evil passions. Expressly, because it was such a trust, did a grave and serious responsibility attach to its exercise. If the franchise were a possession in the nature of private property, how could the sale of it be called bribery? In his opinion both electors and non-electors had a right to know in what manner their fellow countrymen exercised the franchise. He was clear in the conviction that there ought to be no secrecy, but he was equally certain that the measure of the hon. Member for London would not afford that secrecy, though it would otherwise effect great mischief. It would give impunity to some, and no security to others—it would increase the facilities of bribery without substantially augmenting the privileges of the people. When he spoke of the immoral tendency of the proposed measure, he of course wished it to be understood that he did not mean that any such observation should apply to the views or intentions of the hon. Member for London; he felt satisfied that that hon. Gentleman would repudiate as readily as he should any measure the tendency of which he supposed to be immoral. In conclusion, he would say, that he saw no grounds for supposing that the ballot would afford the least increase of security, though it could not fail to produce an increased facility in bribery. The works of Miss Martineau, that great apostle of utilitarianism, displayed the immense amount of bribery that prevailed in America, and the necessary inference to be drawn from that fact, that the ballot rather promoted the crime than deterred men from its perpetration. Nothing could be more certain than that it was the great duty of legislators to combine the practice of virtue with the advancement of man's interests; they ought to pause, then, before they entertained a proposition for legalising falsehood, for rendering honesty the worst policy.

Mr. *James:* After the eloquent and powerful speeches of the hon. Mover and hon. Seconder of the motion, and after the able manner in which the question had been argued by the liberal part of the press of this country, it was a matter of difficulty to make any new observations on the subject; and he, therefore, should not have trespassed on the attention of the House on the present occasion if he had not felt a very deep interest in the subject. The ballot, he was convinced, was essential to the protection of the voter in the exercise of his elective right, and which, if the people of this country possessed at all, they should be allowed to exercise according to the dictates of their own consciences, and not in conformity with the commands of other men. He some years ago presented a petition from a place in the north of England in favour of the ballot, and when he declared himself favourable to the prayer of the petition, his observations were received with shouts of laughter. At that period, the supporters of the ballot in that House were extremely few in number, and one of those persons was the late Mr. Ricardo, the distinguished political economist, who told him on his resuming his seat, not to be discouraged, for he was convinced that if he lived even not many years he would see the ballot become the law of the land. The number of the advocates of the ballot, both within and out of the House had greatly increased, and he did not despair of seeing it become the law of the land. He said this with perfect confidence, seeing as he did that it was supported by the large proportion of the intelligent classes out of the House and supported also in the House, not only by the philosophical Radicals, but by the unphilosophical Radicals, and by a few stray Whigs and Whig-Radicals, and perhaps, by one or two Tories. The ballot, he was satisfied, would destroy more than any thing else that could be devised, that system of intimidation which obtained so much at elections, and which was so fearlessly used at the last election. If nothing else had convinced him of the necessity of the ballot, what had occurred at the last election for Cumberland would be amply sufficient for that purpose. The large body of the electors of that county were small freeholders, but there were also several tenants at will. Many of the latter had signed the requisition to him and his hon. colleague, but were by their landlords called upon to vote for his right hon. opponent. Some of them did so, but stated that they had not changed their opinions, and that they would not have voted for the right hon. Baronet if they had not been sure that he would not be returned. They also stated, that they were afraid of opposing their landlords, who, if they did, would endeavour to do them some injury. Others, however, persisted in voting for the liberal candidate, and the consequence was, that they received immediate notice to quit their farms, upon which many of them had laid out large sums of money in improvements. [*"Name, name."*] He would at once say, that if the returning officer had not done so himself, at least his steward had been guilty of such conduct. Should such an opinion be allowed to continue, by which a man could be compelled to vote against his conscientious convictions? To many thousand electors, it was a matter of no consequence whether it was known or not which way they exercised their elective franchise; but to the great body of electors it was of essential import, as regarded their interests and prosperity in life, that it should not be known which way they voted. The ballot was said to be an innovation; but were not all improvements innovations in the first instance? This was said with respect to the Reform Bill, which was now admitted by Gentlemen opposite to have been an improvement. [*"No, no!"*] Did not the right hon. and learned Member for Ripon, one of the most able men on the benches opposite, state a few nights ago that he was prepared to stand by the Reform Bill? He had always hitherto voted for the ballot, and he should continue to do so till he heard of a better plan being devised to protect the voter in the free exercise of the elective franchise.

Mr. *G. H. Cavendish* said, that it was impossible to deny that many Gentlemen who were formerly opposed to the ballot, had become favourable to it in consequence of the extent to which bribery and intimidation had been carried at the last election. The arguments in favour of the plan had, however, failed in convincing him of the propriety of adopting it; but he confessed that it was with great reluctance that he had brought himself to vote against a measure that was the only one that had been brought forward as a measure of protection against the evils he had just alluded to; he, however, felt bound to vote against it, as he was satisfied that the adoption of the ballot would produce much greater evils than were at present experienced. He doubted whether the system could be adopted, without a great extension of the suffrage, and this could not be conceded without a correspondent increase of political knowledge in the people. Again, under the ballot a great many unqualified persons would get placed in the register of voters, as that would not be watched and scrutinised as it was at present; and also many would appear and exercise the right of voting who had no claim to it, by representing themselves as persons who really possessed the elective franchise, and no remedy was provided to prevent this under a system of vote by ballot. Again, he did not think that it was expedient or desirable that so great a change should be carried into effect so soon after the passing of the Reform Bill. He also contended that the ballot would not be an effectual protection against bribery; above all, in small constituencies. As far as the machinery of the ballot was concerned, he did not think that there could be any very great difficulty, but the landlord would still have the power of controlling his tenants, and would easily defeat the object of the ballot —namely, affording a security for secret voting. The influence of property would continue to exist, and would continue to be exercised. Lord Brougham, in 1830, used some powerful arguments against the ballot, which had made a great impression on his mind, and he would quote an extract from the speech of that eloquent person:—

> "All facts showed very clearly how groundless was the expectation, that election by ballot would accomplish the purpose in view. But here he might be permitted to ask, with much deference to his hon. and learned Friend, and those who agreed with him on the subject, whether, though it must fail in this respect, it might not, at the same time, fully accomplish one of the blackest and foulest purposes of any that could debase and destroy the character of man? Whether it would not make a hypocrite of a man throughout the whole period of his existence? Whether it would not, as was forcibly described by an eminent writer, make him exist as a person whose
>
> 'Whole life was one continued lie?'
>
> Such a person must be perpetually on the watch against his warmest friends and closest connexions; always tremblingly afraid to betray a secret, the discovery of which would be equally fatal to his interests and character. This was nothing more nor less than to lead a life of deception and fraud to the last moment of human existence. The character of an individual thus circumstanced was true only in its hypocrisy. The man who could for months conceal the manner in which he had voted—who could hold his tongue on that subject which was the universal topic of conversation —who could keep his secret from his friend and his wife, who would never mention it even at the alehouse, would be false to his country and his friend, and could neither be true nor faithful in any of the relations of life; nor would men believe him true, unless human thought were subverted. The result would be, either that the ballot would be altogether ineffectual or it would be but little effectual; for it could never be very effectual, and that little efficacy would be purchased by the fearful sacrifices which he had endeavoured to depict."

He admitted, however, that the evils of bribery and intimidation had increased since the time these observations were made, and he believed, that the disposition had increased to punish the poorer voters who gave an independent vote. He sincerely wished, that her Majesty's Government would bring forward some measure as a remedy, and to serve as a protection to this class of voters. He trusted, that some Member of the Government would that night be prepared to state, that it was intended to bring forward some measure for this purpose, to which many who were conscientiously opposed to the ballot could give their support. He trusted, that such a measure would receive the general support of all parties. At the same time, however, it was the bounden duty of the Legislature to support the character of truth and honesty for which the English nation had ever been distinguished, and which necessarily must be lessened by the adoption of the ballot. In conclusion, he should give his vote against the measure, which was long ago described by Lord Brougham as being ineffectual, and which never could be effectual for anything but that which must be stamped as insincerity.

Viscount *Sandon* said, he was quite ready to co-operate with her Majesty's Government in carrying into effect any wise and well-adjusted measure for the purpose of repressing or diminishing that amount of intimidation and bribery which upon all sides had been admitted to exist, but which had now become more notorious than before, only because in the nicely balanced state of parties contests were more frequent, while the unsuccessful candidates as their only consolation raised the outcry that their defeat was owing to bribery and corruption. But the real question they had now to discuss was, not the existence of the evil, but the propriety of the remedy, or rather, whether the ballot was not likely to produce greater mischiefs than it was designed to cure. The hon. Member for Sheffield (Mr. Ward) seemed to think he had made a great point against his right hon. Friend, the Member for Tamworth, because, having avowed his willingness to apply a remedy to every proved abuse, he nevertheless hesitated to adopt this specific; as if it necessarily followed because a physician told him he was suffering from the effects of disease, he must, without looking to his character as a man of sense and probity, and the nature of the medicine he offered, unhesitatingly and at once submit to the nostrums he prescribed. Until the hon. Member for Sheffield was prepared to adopt that principle in private life, it was absurd to accuse the right hon. Baronet of inconsistency, because he refused to adopt as a remedy what he contended would afford no remedy for the evils which he admitted to exist. There seemed to be a radical error pervading the entire basis of the argument on the other side. The advocates of the ballot seemed to think, that the whole essence of a man's political life and conduct was concentred in his vote, so that if secrecy were once given to the latter, the former must be completely secured. Why, the man's vote was the smallest part of his political life. Were there no associations and clubs on the one side and on the other? And if the ballot were adopted, would it induce a voter to withdraw his name, or enable him to conceal his opinion as well as his vote? He did not believe it would; but if not, the mere temporary concealment of his vote would be of little avail. Had the ballot the effect of concealing a man's political opinions where it had been adopted? By no means. In France and America it was well known what particular party a man espoused, Whig or Tory, as in this country. Hon. Gentlemen opposite seemed to be extremely fond of resting on abstract principles, without at all troubling themselves about the practical bearings of the question. When allusion was made to the working of the ballot as in Greece and Rome, it was said the times were too remote, we knew nothing of them at all, although they had the testimony of every author of antiquity, that with the introduction of secret voting corruption and intimidation had increased. But, to come to modern times, was America in their favour? Had the ballot been successful there? They contented themselves with answering, that the ballot was so esteemed in America, that two or three states within the last thirty years had adopted it; but was that any proof that the ballot had practically produced secrecy or put an end to intimidation and corruption? He did not believe the ballot would ever produce secrecy. But even granting the vote were concealed, would there be an end to corruption and intimidation? would any one venture to assert that corruption and intimidation did not exist in America? Did hon. Members on the other side not recollect the famous message of President Jackson, some four or five years ago, in which he denounced the United States Bank, for having recourse to all the arts of corruption in order to influence the elections in that country? If secrecy of voting were adopted in this country, did it follow there would be no intimidation? Let them only look at the history of the late Roxburgh election, where before men had given their votes their clothes were torn off their backs, and themselves thrown into the Slittrig. Would such a state of things be remedied by the establishment of a ballot-box instead of a polling-booth? And so with regard to bribery. Was all the bribery after the vote? Was there not a great deal of bribery before the vote? In France, it was well known the government had recourse to promises of place and other means of influencing the elections; and notwithstanding the secret voting which prevailed, the effect of such means was in no degree diminished. They had been taunted on that side of the House with considering the franchise as a trust: was that the language held before the Reform Bill? They were told by the Reformers of those days, that they were depriving the people, not of a right, but of a trust, to which they attached no real value; yet now they were taunted because they looked upon the franchise as a trust. He maintained he had a right to know how his neighbour voted, and he hoped this country never would be so dead in reference to political matters that one man should be indifferent as to the side on which another voted. How very little did the arguments of hon. Gentlemen opposite on this occasion coincide with the course which they pursued at the late election? Did they not then call upon the non-electors at Wolverhampton and Liverpool, for instance, to hasten to the hustings and watch over the due exercise of their franchise? Then they considered it a trust, though now it was more convenient for them to treat it as an irresponsible privilege. He hoped a better remedy, a moral remedy, would be found for intimidation and bribery. He thought, indeed, that he already perceived strong symptoms of it. It was for those who had influence to exercise it with delicacy and tenderness. He did not say that had been the case at the late election universally. They saw, for instance, the Comptroller of her Majesty's household sitting in the chair of the Westminster Election Committee, and using all the influence of his office in favour of one class of candidates. And indications of the same kind were not by any means confined to Westminster, but appeared in other parts of the country. He believed it to be quite practicable to extinguish corruption at elections and he would tell them what plan he would adopt. He thought they ought not to proceed, in attempting to punish corrupt boroughs, by disfranchising whole constituencies; it would be far more prudent to hold up corruption as a grave moral crime in individuals. So long as they included a whole community in the punishment due to the misconduct of some of its individual members, they would interest a party in the House in its defence; but let them disfranchise individual offenders, let the crime be regarded as stigmatising only those who had really been guilty of it, and they would erect a moral standard which he believed to be still wanting in many districts of the country. He had never shrunk from the expression of any opinion, however unpopular it might be, but it was his conviction that the view he took of this question was that of the majority of the constituency. He entertained a hope that means might be devised for preventing corruption, retaining at the same time the truly English custom of open, unconcealed, and fearless expression of opinion.

Mr. *E. Lytton Bulwer:* He was not one of those who thought that the Reform Bill was not a great and most beneficial change. If it did nothing else it gave peace to the country—if it did nothing else it quelled discontent and perhaps prevented revolution. But it did more than this. All the power that it took from certain families, whose interest was distinct from that of the community, it gave to the middle classes, to the shopkeepers, the traders, to men who had the most vital interest in the economy, the commerce, the good order, and the general tranquillity of the country. He was not, therefore, ungrateful for the Reform Act; he did not desire to have a new Reform Bill: he was not anxious to agitate and unsettle the country with all the details of some new measure—to create a new constituency and effect a new distribution of political power. He was inclined theoretically to a more extended suffrage than at present prevailed. He thought in general that the wider the suffrage the broader the foundations of our institutions; but he had many objections to the popular scheme of household suffrage, on which he would not then enter. He was willing to take his stand upon the present Reform Act, freed from all the limitations and restrictions which at present disfranchised many of those who were intended by that Reform Bill to vote in elections. The Ballot was not, therefore, an encroachment of the popular power; it was merely intended to protect the power the people had already acquired. The object of the Reform Act was to give free and independent votes to the middle and a large portion of the industrious classes; the object of the Ballot was to insure that freedom, and protect that independence. He wished to impress on the noble Lord, the Member for Stroud, this point—the exercise of a vote was not merely a political right; that expression of his opinions was a moral and religious right to the elector; it belonged just as much to liberty of conscience as any right formerly contended for by the Dissenter. He wanted to know why, if the noble Lord and this House formerly thought it unjust for the churchmen to prescribe a mere form of words to the Dissenter, which the Dissenter's conscience objected to, he wanted to know why it should not be unjust for a customer to prescribe to his tradesman the exact substance of opinions which the tradesman's conscience would not subscribe to. If (continued the hon. Gentleman) you thought it right to free conscience from control in the one case, with what face can you contend, that it is not right to free the conscience from dictation in the other? Take one of your new constituency—a householder, a tradesman—suppose that he has endeavoured to the utmost to carry the principle of your own Reform Act into effect, to fit himself for the exercise of the right you confer upon him—suppose he takes the liveliest interest in politics, watches our proceedings, forms an ardent interest in all that concerns his country, and comes with all care and deliberation to a judgment as to the policy he will support—is it the object of your Reform Act—is it consistent with common liberty, that another man should step up to him and say, "Your public feeling is to vote one way—your conscience urges you to it; but if you do not vote the other way, I will take the money out of your pocket, or the bread out of your mouth?" Is this an uncommon thing—does not the whole hideous evidence of your own bribery and intimidation committee—does not every newspaper—does not every man who has stood an election, inform us that there is not a single town in which all the batteries of intimidation and exclusive dealing are not brought to bear against conscientious opinion and constitutional right? Observe, too, that it is exactly in proportion as the man, if he vote against his interest, is honest, zealous, disinterested, public spirited, that he is singled out as the victim of punishment. The lukewarm, selfish, corrupted elector goes free, and the generous, high-minded elector, is punished for the very virtue he exhibits. And how are we received when we complain of this? Oh, say hon. Gentlemen, you must not deprive virtue of its incitements; it is a very fine thing this political martyrdom; would you take away all the heroism of suffering? The hon. Member for Wiltshire has talked of public virtue: was it ever heard before that it was the business of a state to establish punishment and persecution for public virtue—to array private interests against political honesty, and to call upon men to be citizens to-day, in order that they may be martyrs to-morrow? The whole trading part of the constituency, call out with one voice for the protection of the ballot. And what are the arguments by which they are met? The Member for Wiltshire said, first, that the ballot will not attain its object—will not insure secrecy; and yet before he sat down, he contended that it would so effect its object—would be so fearfully close in its concealment that it would make a man's whole life one lie. But these arguments destroy each other. But let us look at them separately. The argument of the noble Lord, that opinions would not be secret is a fallacy. The ballot will not prevent a man's opinions being known—but what then? You do not punish a man for his opinions, you punish him for his vote. No tyrant nowadays establishes an inquisition over another man's sentiments, he only wants to control his actions. He cannot say, "Sir, I don't know how you vote, but I am told you think differently from myself, and therefore, as a man, who thinks differently from me has no right to sell heterodox hats or stockings, I shall take away my custom, or drive you out of the town." If a man were to say or imply this, his own party would not support him, and the public opinion you invoke would indeed rise against him. The ballot is precisely this, that the elector's life will not be a lie, that his sentiments will be known, and being known, no tyrant can seek to intimidate or injure him, because the more he attempts to control the open sentiments, the more he will insure the hostility of the secret vote. The noble Lord, the Member for Liverpool, said the ballot was a cowardly system—a fraudulent system—a system favourable to falsehood. What, is there nothing cowardly in open voting? Is there so much valour in a system that allows a man to be frightened out of his opinions in the exercise of a solemn duty? Is it not a wholesale fraud of the grossest description, when the state gives you a right, and then allows your neighbour to snatch it out of your hand? Is it not a falsehood of the darkest dye when your actions belie your opinions, and you proclaim to your fellow-citizens that your heart is one way and your vote another? This it is that makes a man's life a lie—this it is makes an election a melancholy sacrifice of public principle and individual conscience. You say that the canvass will be the same; that the landlord will extort a promise, and if the tenant should break that promise he will be a liar. I do not think that the canvass of intimidation will go on, it will be a canvass of another sort. But suppose it does, and suppose the elector does promise and then breaks the promise, I do not commend, I do not excuse his falsehood; but I say it is infinitely less mischievous to lie to an individual than to lie to his country—infinitely less mischievous to vote as his conscience tells him, even at the expense of truth, than to vote equally against the truth by voting against his conscience, and against what he believes to be the public interests. In either case it is a falsehood. But, in the one case, it is a falsehood that effects an individual, in the other case it is a sin against the whole political community. You tell us that the ballot does not work well elsewhere. You tell us that history and experience teach us that it has failed. I find it exactly the reverse. The noble Lord, the Member for Liverpool, has challenged me to refer to ancient states. I do not regard the ancient democracies as models—they were full of fatal errors—they were not democracies properly speaking, for their working classes were slaves, and most of their evils arose from their mistaking liberty to be the licence of a handful of citizens, and the oppression of the servile population. But, at least, for the liberty they did possess, the ballot was considered so essential that without it the wisest of all the ancient political writers, and one to this day an authority with all reasoners, I mean Aristotle, declared that liberty of election could not even exist. What was the first act of the thirty tyrants in Athens? to overthrow the ballot and institute the open vote. In Rome it was not effective against bribery—I grant it. But why? from the enormous fortunes and gigantic ambition of the patricians, against which all barriers were in vain. They came to their elections laden with the spoils of exhausted nations, and they devoted the plunder of other countries to the corruption of their own. Their wealth was great, their incentives to ambition dazzling beyond all modern analogy. But at least the ballot even in Rome, was effective, if not against bribery, against intimidation. For that very reason both Cicero and Gibbon have condemned it, and many gentlemen will remember that sublime expression of Cicero's, in which he calls it the silent asserter of liberty. Come to modern times. You have America before you. The noble Lord says it does not work well in that country. Listen to this testimony in the able and dispassionate work of Mr. Stuart. But before I read the passage, I beg hon. Gentlemen to recollect that in America the ballot and the open voting have each had a fair trial. Some states have the one, some states the other, and what has been the result? Why, that no state has given up the ballot, and that state after state has given up the open voting. Mr. Stuart says, "The ballot is becoming more and more universal; the States of Connecticut, Kentucky, and Louisiana having lately adopted it instead of the vote *viva voce*." Now then see why the ballot was preferred—see the different workings of the two modes of election. Mr. Stuart was present at an election by ballot at Ballston Spa. He says, "The excitement occasioned by the election generally was declared by the newspapers to be far greater than ever had been witnessed since the declaration of independence in 1776; yet I am bound to bear this testimony in its favour, that so quiet a day of election both within and without doors I never witnessed in England or Scotland." "In a state far exceeding Scotland in extent, and almost equalling it in population, the votes for the chief magistrate of the United States and his substitute, for the Governor and Lieutenant-governor of the state, for a senator and representatives to Congress, for three representatives to New York, &c., were taken, and the business of the election finished with ease and the most perfect order and decorum in three days; all voted by ballot, which is here considered the only way to obtain independent and unbiassed votes." This is where the ballot is adopted. Now observe the difference in those states where ballot is not adopted. At Louisville, in Kentucky, Mr. Flint saw the votes taken without ballot—the poll was kept open three days. "I saw three fights in the course of an hour. This method appears to be productive of as much discord here as in England." So much for ballot in America. Now then it is not only that bribery will in a great measure and in all large constituencies be utterly prevented—it is not only that intimidation will be rendered worse than useless, but it is because you will also gain in order, quiet, and in good moral results generally, that I advocate the ballot. When men come to understand that an election is not a mere holiday excitement, but a great and important national ceremony, they will look more into the real nature of the duties confided to them, and public morality will be no less promoted than private conscience will be protected. But it is said that it will weaken the influence of property. Now there are two kinds of influence—legitimate influence and unlawful and improper influence. The improper and unlawful influence the ballot will undoubtedly destroy: wherever one man trembles at the frown of another — wherever money is used to corrupt poverty—wherever property is intended to over-rule the conscience—there, indeed, will the ballot step in, and there will the poor man and the rich man be on equal terms. But, wherever a great proprietor is more beloved than feared — wherever his virtues are made more apparent by the pedestal on which they stand—there the ballot-box will not steal from him a single vote, or take an atom from the legitimate influence of his station. On the contrary, it will always be found that the more the constitution forces the aristocracy to cultivate the favour of the people, the greater will be the moral influence of the aristocracy, and the more you will find them rising to the head of affairs. Look at England and Germany at this day. In Germany, where the constitution keeps the nobility apart from the people, the nobility have not the energy, the ambition, the excitement to produce great men, and the most eminent names spring from the people; but in England, where the constitution has always, more or less, forced the gentlemen to cultivate the public opinion of the masses, you find the gentlemen producing ornaments in literature, in the state, in the army, giving to the nation some of its greatest heirlooms of renown, and exhibiting that intellectual eminence and exercising that moral influence which must always result from uniting the aristocratic advantages of leisure and property with the popular elements of activity and ambition. This species of influence the ballot can only tend to increase; and as men of property are forced to be popular, property itself becomes powerful. In a recent debate on Canada, certain expressions of mine have been severely misinterpreted—certain terms of censure I ventured to express towards not more than five or six gentlemen, whose speeches elsewhere seemed to me to prejudice the liberal cause, have been perverted into a belief of my disaffection to the very cause I wished to vindicate. I have been accused of supporting the Government from a desire of office. Sir, I owe it to my attachment to that literature at which the hon. Member for London directed a not very considerate sarcasm the other night, if I can say, with men of far higher station and wealth, that I am independent of all official temptation. I confess that it is my weakness to prefer the emoluments and the distinctions that are open to me in another career to all the more dazzling honours that a Minister could bestow. I shall not, then, be accused of speaking for myself when I ask her Majesty's Government to consider well the numbers, the energy, the talent in their own party by which this question is supported. Can they turn round to the vast majority of their friends and say, we accept your support, but we proscribe your opinions—you shall never hope a participation in power unless you leave your sentiments behind you. I see among her Majesty's Cabinet Gentlemen known to be favourable to the ballot—are they to set an example to the people that it may be quite right to think one way and to vote another? Must it not tell fatally against yourselves? You ask for the popular support, because you fight for the popular party and against an aristocratic majority. But in every town the liberal party has also its own aristocracy far more bigoted and intolerant to contend against. What are your obstacles on a great scale, are their obstacles in every town, every province throughout the country. But just observe the difference; you can only lose office and its emoluments, the poor elector may lose the very means of existence, and sacrifice the bread of his children to forward your cause and fight a battle which has no office, no glory, no successful ambition to confer upon him. Is it just, is it prudent to call on him for those perpetual sacrifices? Can they be always made? Is not human nature too weak for such violent efforts and such fearful temptations? I do not threaten you with the sordid loss of power, but I do threaten you with what all public men must desire to prevent—serious detriment to your own principles, deep discouragement to public exertion, till at last your indifference to the safety of the elector will end in the corruption of the Parliament. You have given emancipation to the Catholic; give emancipation to the elector; you have asserted liberty of conscience in religious opinions, protect liberty of conscience in civil rights. Tell us, and tell the people of England, that you will defend them in the exercise of that power you have given them, and that when you say you will abide by the Reform Bill, you did not mean that that second charter of our liberties was to be put up to the highest bidder, or wrenched away from public opinion by the strong gripe of individual tyranny.

Lord *John Russell* said: I think that my hon. Friend, the Member for Lincoln, in addressing the appeal which he has made in such courtly terms to her Majesty's Government on this occasion, has somewhat followed the course which has been pursued by others, namely, that of assuming that the measure now proposed for the consideration of the House is a fair and proper remedy for the evils which it is intended to cure. The hon. Member for London admitted that there were two propositions which it was incumbent on him to prove; the one was, that considerable intimidation and corruption existed at elections; and the other was, that the ballot and secret voting was a remedy for such evils. With respect to the former part of his propositions, I am not disposed much to dispute what he said, though I think that even there he resorted to very great exaggeration. I should have collected from the hon. Gentleman's speech, that the whole mass of the people of England—that by far the great majority—that all but a very inconsiderable number were brought up to the polling booths to vote against their consciences. Now, I must say, that in my opinion, if that were really the case, living as the voters do, in the midst of the nation—if those individuals who were intrusted with the elective franchise, and who constitute a large proportion of those who hold property in the country—if they were in this degraded state, ready in masses to be brought up against their will, to vote for whomsoever it might please their landlords or their masters that they should vote—if that were their state of degradation, I should say that the spirit of liberty was extinct in the nation, and no mechanical device could possibly restore that free soul which was then altogether gone, and must be considered as for ever departed. But while I admit that there has been considerable intimidation and great bribery at the last election, I must say I do consider that the intimidation especially affected only a portion of the voters; and that was, in my opinion, only a small proportion of the whole number. Still, however, I am not disposed to dispute that the existence of intimidation is an evil of considerable magnitude. But I am asked to-night not to admit the existence of an evil, not to consider what can possibly be the remedy of it, but to assume that the proper remedy is this secret voting, and to consent to its adoption. I am obliged, I confess, to use on this occasion, arguments that I have used on former occasions, both here and elsewhere, and that others have used before me to-night, against this proposition. When a remedy is proposed for the evil, I do feel a repugnance to it on being told—on its being admitted by almost all the proposers of it—that its first effect and its permanent operation, must be the introduction and encouragement of deceit, hypocrisy, and falsehood among the voters. One hon. Gentleman says, that conduct of this description is justifiable in such cases—that where the landlord or the master is an oppressor, the tenant has a right to deceive him; and the hon. Gentleman quoted several passages from Paley and Johnson in support of his view. I will not enter into that dispute, but I do wish to record my repugnance to the fact which seems to be admitted, that deceit and falsehood must be the result of the very first step it is proposed that the House should adopt to remedy the evil complained of; and this proposition, be it remembered, is part of a new proposal to reform the representation of the people. My hon. Friend who spoke last, endeavoured to get rid of this objection by saying, "Yes, but there is at present falsehood: the man tells a lie to his country now; if the ballot be adopted he will tell a lie only to a private individual." Why, I must say, that even if that were the case, it would merely prove that you would exchange one evil for another; but whether, under such circumstances, the evil be more or less, I do not think it is of the same nature, and that which my hon. Friend has said in this respect is rather a metaphor than an argument on the subject. What I mean is this:—when a voter conceals his opinion, his doing so is very degrading, and no doubt very injurious to the country. He says, "I am sorry that I cannot vote according to my will; I am sorry that the authority of others and my own interest compel me to vote against the candidate whom I think best fitted to be my representative in Parliament." He who so conducts himself does certainly commit a political offence, but he commits it, not disguising that he is doing an act against his will. What, however, is now proposed to us is, that when a man is called on by the agent of his landlord he should promise his vote to a certain candidate; that he should repeat that promise in his association with his neighbours at the public dinner; or in the processions that take place in the course of elections; that he should bear in his demeanour an appearance of being a friend and supporter of that candidate; and when he comes to give his secret vote that he should belie his promise, and falsify the whole of his previous conduct. I do say that the political degradation which results in the one case, is a totally different thing from the moral degradation which would follow from the adoption of this proposition. Well, but then we are to suppose that by the introduction of this great evil, of this moral plague to the country, we are to obtain a great political good—we are to insure freedom in our elections hereafter. I will not repeat the objections in principle which I have at various times urged against the proposition of secret voting, and which have been much argued against to-night—that the voter is a trustee, and ought to be responsible to the public for the manner in which he executes his trust. When I consider, however, that our public functionaries, whether judges, or ministers, or Members of Parliament, all act in the face of day—and I believe we are all made better in the exercise of our duties by the publicity of our proceedings—I do say that I see no reason for excepting from that responsibility to popular opinion, the great body of those in whom the elective franchise is vested—I see no reason why they alone should be removed from the eyes of the public; why they alone should be allowed to exercise the trust reposed in them protected from publicity; why they should be permitted to discharge their public duty, the public having no knowledge of the manner in which it was performed. The hon. Member for Sheffield tells me he has another doctrine—that he holds the elective franchise to be no trust, but that when it is once conferred on the elector by law, it is the absolute right of the voter —his absolute property, and if he comply only with the conditions of the law he may exercise it as he pleases. I am glad he did not propound that doctrine at the time we were discussing the Reform Bill; the great principle of which is, that the elective franchise is a power held in trust only for the benefit of the people. There is another answer that has been given, which I have not heard to-night, but which I have seen in print, and which I think is the most plausible answer that can be given to this objection of the responsibility of the voter. It is said, if you insist that the elector shall act under responsibility, and that his conduct shall be exposed to the eye of those who have not the right of election themselves, you admit, that those who have not the right of election are fitting judges of the manner in which the trust ought to be exercised; and if they are fit so to judge they are fit to exercise the right of election themselves. Now, plausible as this sounds, I do not think it a conclusive argument against my objection, because, in all the other cases where you admit the public, many of them being of the same class, you by no means imply that the persons you see and criticise, are persons who are capable of exercising the power. The argument is, that if persons are fit to judge of those who exercise the franchise, they are fit to exercise it themselves; and I say, it might as well be asserted that no persons are fit to sit in a court of justice, or criticise the charges and conduct of the judge except those who are fit to sit on the bench. It does appear to me, that so far as the answer to my objection is concerned, it might as well be made against any other kind of publicity as against the publicity that belongs to the elective franchise. I will now refer to the argument as to the efficacy of this plan, because undoubtedly, unless it is to be efficacious, the incurring the risk of much falsehood, of great hypocrisy, and of acting against the general principle of public responsibility, which has been established throughout the country, in all other matters of state ought to decide against it. That it would be efficacious I much doubt. With respect to the tenantry acting under the landlord, I believe with my hon. Friend, the Member for Derbyshire, that if you suppose—and you must do so, or the measure is worthless—that this is to be a security taken against the bad and tyrannical landlord, I say that that bad and tyrannical landlord would soon have the means of exercising a control, even though he had not the power of knowing which way the vote was given. I have said that if this plan were successful it would lead to breaches of promise—it would lead to falsehood. My belief is, that no people in the world are so remarkable for their love of truth as are the people of this country; and that so strongly is that principle implanted in them, that if a landlord's tenants promised him faithfully that they would not vote for a certain candidate, though the ballot gave them the power of secrecy, they would keep their promise. But if they made no promise—if they said, resolutely, "We will not promise; we will give no promise to your candidate or to your friend," why, then, would it not be the presumption of the landlord that they were men who meant to vote against him, that their politics were opposed to his; and if he were an individual to exercise a tyrannical influence, would he not exercise it under such circumstances? Would this be a remedy, be it always remembered, is the great question. Where people's sentiments are known as they are in the country by the conversation which takes place so much in public-houses and in market-places with respect to politics—where the general character and political sentiments of every man are so generally known, can it be supposed that the stewards of the landlords, who we must conclude to be acquainted with their master's wishes, would not take care, before a few years were over, that the tenants were all of them of the same political sentiments as their own? Where, then, would be the remedy? I contend that this measure, instead of being a benefit to the voter, would only be an injury to all the tenants in the country and to the prosperity of the whole people. With respect to tradesmen living in towns, I do believe there is some difference in the case. I own I am disposed to think there would be cases in which the customer has little connection with the tradesman—in which he knows scarcely any thing of the tradesman; under the present system, hearing of the manner in which he has voted, he deprives him of his custom; I think there might be cases in which the customer would not, under the ballot, ask him questions, and would not try by severe means, to find out the manner in which he had voted. Thus I do think that there might be some instances in which you would find this plan effect a certain degree of good, but I also think that the good would be miserably overweighed by the quantity of evil. I must again refer to what I stated on a former occasion, that I am decidedly of opinion that the question of ballot, as it now comes before us, does not stand alone. I will not go any further into the question of the ballot as an abstract proposition, feeling as I do how often it has been discussed, and feeling likewise that on another occasion I have delivered my opinions very fully upon it; but I wish to address myself to those who think that by means of the ballot they could establish a state of things in which, according to the words of the hon. Member for London, "every vestige of intimidation would disappear," in short, that you have but to adopt secret voting and you place your representation on a sound footing, and your reform will be complete. I said on a former occasion that I thought vote by ballot would lead to other things. It has struck me, besides, and I have since seen it stated, that if you declare that the voter shall not be responsible to public opinion, and carry your object really into effect, all those who are shut out from the exercise of the elective franchise and who now know how every person has given his vote, will be far more discontented under the new state of things than they are at present. You now say, "It is true, indeed, we do not think you qualified by the conditions of property which we have thought it necessary to lay down to extend the elective franchise to you, but you are among the free inhabitants of this country, you see the whole operation of the Government, from the commencement of the election of Members of Parliament to the Parliamentary debates—you are participators in all, and your opinion goes to swell that grand tide of public opinion on which the affairs of state are borne along;" should you, however, have to say, "We think there is one privilege, and a most important one, from which you shall be entirely excluded, as regards the election of Members of Parliament, you shall never hear which way any voter gives his vote, you shall never know the reason for which one man is elected in preference to another," I do think that under such a state of things there is every probability that dissatisfaction must arise. The observations I made to this effect have been confirmed by my experience of the last few months. I would ask any Gentleman who has watched the course of events—who has observed the meetings which have taken place in favour of the ballot—whether they have not found that this jealousy really does exist—that there is now a large portion of the people who fear that the ballot may be established for the protection of the present electors, that reform will stop then, and that those who are non-electors will be more excluded from the opportunity of observing the course of public affairs than they are at the present moment? In confirmation of my statement I will take the liberty of referring to some extracts I have made, which will show what opinions have been expressed by persons of eminence who have taken a part at the public meetings in favour of the ballot; because, after all, if the ballot were to be carried, it would be by those men who are now standing forward as its chief advocates, and it is by them that we must expect the course of affairs in future with respect to the representation to be in a great degree conducted. At a meeting held in Westminster, soon after the commencement of the Session, there was a letter read from Lord Brougham. The noble and learned Lord declares: "But more frequent appeals to the country may be of little avail while a mighty body of our fellow-citizens are excluded from all share in the management of their own affairs, and left without the power of enforcing opinions which they have at the least as much capacity to form, and at the very least as much independence of spirit to assert, as those who at present possess the elective franchise. This exclusion I certainly regard as the worst of grievances now complained of." He says further—Upon the yet more enormous injustice, the incomparably more perilous mischief of excluding so many thousands from those political rights which they are so unquestionably entitled to enjoy, and so well fitted to exercise, I have again and again declared my fixed opinion both in Parliament and to the country." Lord Brougham declares himself a reluctant convert to the ballot; he is an ardent advocate for the extension of the suffrage. The hon. Member for Southwark, who has spoken on this subject on many occasions at public meetings, has always stated that he considered the ballot if given alone would be of little value; he would have with it an extensive franchise. I believe he said on the last occasion on which he addressed his constituents on the question—if I am not representing him correctly he will correct me—that every person resident in the place of voting should be allowed to register his vote. At all events he expressed a desire to carry out a great extension of the suffrage. My hon. Friend, the Member for Bridport, said this:—"His maxim had always been to take what he could get, in order that he might obtain power to get more. Lord John Russell had stated that the ballot, universal suffrage, and triennial Parliaments were so closely connected together, that if one of them were granted it would be the means of obtaining the other two, and, therefore, he refused all of them. Whenever the question of the shortening the duration of Parliament, universal suffrage, or the vote by ballot came before the House, he (Mr. Warburton) would always support the one, that he might obtain the other; but if he were asked which he would choose first he should say the ballot. He would do so because he thought, when he had gained that, the inevitable consequence would be to get all the others." But when my hon. Friend told the meeting that he was ready as soon as he had got the ballot to obtain all the others, the meeting cried out, "All at once," being persuaded—and not improperly—that if this great change took place it might be as well that in one Bill all those other changes which they desired should be effected. Many other meetings took place in London and in the country, to which I need not refer, except to say I think that in most of them, besides a resolution in favour of the ballot, there was generally a resolution carried in favour of shortening the duration of Parliaments, and another for the extension of the suffrage to household suffrage, or at least for such an extension of the suffrage as involved a very considerable change. At a large meeting which took place at Sheffield there was a division, and that division negatived universal suffrage and triennial Parliaments, and adopted vote by ballot. One would presume, from the course pursued on that occasion, that vote by ballot was to be adopted alone, and that with that change the changes in our representation were to cease; but if you consult the speeches of those who advised the meeting to take that course—the speeches of those who influenced the meeting to come to that decision—a different result will appear. A gentleman who spoke frequently at the public meetings held in that neighbourhood, and who has considerable influence there (Mr. Palfreyman), said, "To us, and to all the requisitionists, the ballot is only important inasmuch as it is connected with the great cause of the people, the cause of reform, the ultimate extension of the suffrage, and the shortening of the duration of Parliaments. The only question about which we differ is at which end to begin. I think the proposers of the amendment are attempting to put in the thick end of the wedge first. [*No, no!*] I say yes, yes; but I think that when we have got the ballot—when we have got the matter once between the rollers—we shall necessarily draw all connected with it through. With the supporters of the amendment I agree that the ballot might be injurious unless the other two questions should be carried after it." I think the hon. Member for London said that his proposition did not trench on any other question, and the hon. Gentleman who seconded the motion also kept quite clear of those other questions—the extension of the suffrage and the shortening the duration of Parliaments; but he did not so at Sheffield. In an able speech he made there, he denied that this was a question unconnected with any other. He said, "To me the question is indifferent. I am prepared to support them all [*hear, hear!* from the supporters of the admendment]. I beg that I may not be misunderstood. [It was here intimidated that the amendment was for universal suffrage.] I am for a large extension of the suffrage, but I am not prepared for the abstract proposition of universal suffrage. But the question is, whether it will advance the object we all have in view to combine these questions, or whether it will be better to select the one upon which the greatest amount of opinion can be brought to bear." Now, undoubtedly, it is a fair mode of proceeding, to bring forward the ballot, as that question on which the greatest amount of public opinion can be brought to bear, and on which the greatest division can be obtained in this House; but while I am asked to change my former votes and vote for it, I see on the one hand that greater intimidation is practised—but I do not see on the other that the ballot will remedy it. I find those who are proposing the ballot now say, what I do not remember them to have said on former occasions. They say at the public meetings on the ballot, that once carried, they will endeavour to get the duration of Parliaments shortened, and then an extension of the suffrage—and the extension of the suffrage, mind, is a most indefinite term. A gentleman who has done me the honour to address a letter to me (a Mr. Symonds), in which he has discussed the principles of household suffrage, says what is not quite inapplicable to the subject. "Some mean by an extension of the suffrage universal suffrage, and if the ballot is granted, this indefinite change is to be brought in as a necessary sequel." Is not that with me a sufficient reason to pause? Ought I not to consider, whether I shall not be called on to adopt the other changes demanded. The hon. Member for London did not allude to the other countries in which ballot has been adopted. He alluded to the Report of the Intimidation Committee, and to the evidence as to intimidation; but he passed over the evidence on the subject of secret voting. My hon. Friend behind me has referred to the operation of the ballot in Greece and Rome and in modern states. I agree in what he says respecting Rome; the people were so degraded by corruption that it was impossible the ballot or any other measure could reform the state. But what has been the operation of the ballot in America? Without perfect secresy, said the hon. Member for London, the measure must be quite inoperative. Now, has perfect secresy been obtained in America? Three witnesses examined by the Committee spoke to this point; one said, "I think the ballot is used by us as a matter of convenience, few or no persons caring to conceal their votes." Another said, "I should think in New York that the sentiments of upwards of ninety voters, I was going to say ninety-nine out of every 100, are perfectly well known before they go up to poll." Such is the state of property in America, that I believe it is not worth the while of any man to endeavour to influence the voter: but it is not so here where there are large masses of property and many poor persons, a different feeling must be expected to exist. Then in France the use of the ballot is to prevent influence being exerted by the Government. Does it do so? There was lately a discussion in the Chamber of Deputies, in the course of which the Minister was charged by the leader of the opposition with having used the influence of the Government to a great extent in the elections. One would have supposed his answer would have been, "We have secret voting, it is impossible to know any man's vote;" but so far from that having been his reply, he admitted the fact, and asserted, that the exercise of influence was necessary to the existence of any Government. I can see then nothing, either in the question itself, in the present state of the country, in the anticipations with which we are furnished with respect to other measures, or in the experience afforded by other countries, to induce me to adopt this proposition. I am sure, it may be said, that if we acknowledge the evil to a great extent, we are bound to find a remedy. I do not think it might be impossible to propose a remedy that might have some considerable effect, but I believe, that so long as hon. Gentlemen feel themselves bound to carry the ballot out, a remedy would be despised by them, and it would be useless to propose it unless they were willing to admit it to fair trial. But allow me to say, before I conclude, that I do feel that a very great evil exists in the intimidation and corruption which have been practised at election after election, and more particularly in the two last general elections. I do not charge any party with this conduct, but I do say, that all those who have the power to intimidate, on those who are the landlords and great proprietors in this country, that this sort of intimidation will be visited, unless some change shall take place. I cannot, Sir, vote for the ballot. I cannot vote for it because I think it would be a very serious evil instead of being an efficacious remedy. I cannot vote for the ballot because I do believe, that with the ballot Parliament would be driven into other changes in the representative system, and because I believe that the prosperity of the whole of this country, in which the lowest man not less than the highest is concerned, must be dependent upon the permanency, the stability, and the tranquillity of our institutions; but when I say this I cannot but perceive, though I may not take part in the measures, and though I refuse all concurrence in them, yet if the people of England, year after year, feel more and more intimidation and undue influence used, that they will also feel, that there are left to them not the rights which are given to them, not less by the ancient constitution of this country than by the new franchise conferred by the Reform Act. I think, that the feeling now existing on the subject of the ballot will, under such circumstances, be strengthened. I believe that the people of England, who have seen great changes accomplished, are most unwilling and are most reluctant that new changes of great importance should be effected. I believe, particularly, that a change of voting secretly instead of openly would be a change most abhorrent to their feelings and their desire to act with openness, fairness, and manliness. Yet I do believe, with all this, that unless those who have great property in this country will endeavour in future to abstain from intimidation—and I do think they would not lose their influence by it, I believe they would scarcely lose a single supporter—but unless they will endeavour to sustain their power by means of conciliation and allowing five in one hundred or five in a thousand of their tenants, tradesmen, and customers to take their own way, unless they do this, I think that this question will gain strength, and if it does gain strength I cannot but perceive, that very great evils are impending over the country.

Mr. *E. R. Rice* spoke amid loud cries of "question!" He was understood to say, that it was his intention to trespass but a few moments upon their attention. He wished to say that he supported this motion independent of any other question, and he thought it was quite distinct from any other. He thought it so distinct that if he were called upon to support the ballot, as the hon. Member for Finsbury had called upon the House to do, in connection with the extension of the franchise, then he most certainly would vote for the ballot, and against the extension of the suffrage, especially as the latter would, in his opinion, be virtually repealing the Reform Act.

Mr. Hall rose, but shouts and cries rendered the hon. Member quite inaudible.

The *Speaker* begged to tell hon. Members that it was neither creditable to themselves nor to the House that they should incur the imputation of a desire to interrupt fair discussion in that House.

Mr. *Hall* was not at all surprised at the impatience felt by the House, neither was he astonished at the unwillingness with which some hon. Members listened to the arguments which were adduced in support of the present motion. The question itself had been so often discussed, that the arguments, both for and against it, must be to a great extent exhausted; and as he had on former occasions been permitted to state his own opinions, which remained not merely unchanged, but considerably strengthened, he came down to the House with the full intention of giving a silent vote upon the present occasion, and not obtruding himself again upon their attention. But having listened attentively to the speech of the noble Lord below him, he could not, in justice to himself as an independent Member of the House, adhere to his original intention. He rose, then, not for the purpose of entering upon the discussion whether the ballot was or was not a desirable remedy for the evils which existed; but to express his deep regret at the speech which had been delivered by the noble Lord. When he looked back at the debates which had taken place in that House, and remembered the loud advocacy in behalf of this very measure which was taken by some right hon. Gentlemen who now sat upon the Treasury Bench, and compared with that expression of their former opinions the conduct which they were now about to pursue, he naturally experienced those sentiments of dissatisfaction which such extraordinary conduct tended to produce. The noble Lord had admitted that intimidation and coercion had existed to a great extent at the late elections; he had stated that it had been carried to a wider limit at the two last elections than at any previous ones. Did the noble Lord remember the speech made by his noble Colleague, the Member for Northumberland, when this subject was before the House last year? Did he recollect the concluding sentence of that noble Lord's speech? He had already stated that he had not come down to the House with any intention of addressing it; he was not, therefore, prepared with written extracts from that speech, but he remembered full well the ability with which his noble Friend spoke; and in allusion to the intimidation which had been practised, he said that although he was not prepared to support the Ballot at that time, yet, if the intimidation, were continued—if it was persevered in—"We must, and we should have the Ballot." Such were the words of his noble Friend. They were considered at the time as a guarantee for a favourable consideration of this subject, and he now called upon the Government to desist from their present course, and to realise the hope which they had held out, that if the Ballot was not to be supported by the Government as a body, they would at least allow those connected with them, who were favourable to the proposition of his hon. Friend, the Member for London, to record their opinions in favour of that measure.—But, even if the Administration was not prepared to go that length, and yet admitted that great malpractices existed at elections—that the voter was coerced, and instead of his franchise being his own, that it was made the property of others—why did they not come forward with some good and efficient remedy? He was not so wedded to his support of the ballot, that he would not abandon it if a better remedy could be found, and he was sure his hon. Friend, the Member for London, would be equally ready to give up this motion, if such a substitute could be proposed; but he believed it would be extremely difficult to produce such an invention, and the real objection to the ballot was, that it would be thoroughly efficacious. The noble Lord had, strange to say, quoted Lord Brougham as an authority upon this subject. Lord Brougham had once stated that he feared the ballot would lead to bribery and falsehood; but had not Lord Brougham changed his opinions? Was he not now a supporter of the ballot? But were not elections in some boroughs now a scene of bribery and falsehood? Could any thing be worse than the system which now existed? But he would keep his promise, and not argue the subject; he was ready to answer the objections taken by the noble Lord, but he would not do so. He would ask, was it fair towards the Reformers, was it fair towards the country, that the present Government, who professed opinions of a liberal character, who in former years were the advocates of a liberal policy, of reform in our institutions, of the political liberty of their countrymen, should now stand forward as the opponents of a free exercise of the franchise, and, instead of supporting their friends, throw themselves into the arms of the Tories. He lamented this course, it was one now of frequent adoption, but although in the present case they might be successful, it would ultimately be of no avail. The ballot was the question of all others most taken up by the public; it was the ground upon which they rested their hopes for the free exercise of their franchise. Each succeeding election rendered it more necessary, and despite of the present unnatural coalition between the Government and the Tories, he believed that such a number would go forth in support of the motion this evening as would convey an assurance to Ministers that we soon must and shall have the ballot.

Lord *Worsley* addressed the House, but, in consequence of the noise, he could not be heard. He was understood to say, that he intended to vote in favour of the ballot, although he admitted that secret voting would not put an end to bribery.

Captain *Pechell* said, that it had been his intention to have expressed his opinions fully upon this subject; but perceiving the tone and temper of hon. Gentlemen, he knew well how vain would be the attempt to address an unwilling House. He had hoped that the admonition delivered by the Speaker might have a proper effect upon hon. Gentlemen opposite, but that hope was vain. It was his duty to stand up there in his place, and support a petition from the town that he represented, particularly when the object of those who petitioned was to obtain protection for the voter. He knew well at what cost electors maintained their opinions, and therefore it was, that he felt it to be his duty to support them on the present occasion.

Mr. *Elliot* came there determined to vote for the ballot, as he thought that the voters throughout the country required protection. His object was to protect the voter. If he understood correctly the noble Lord (Lord John Russell), his intention was to protect the voter, and that he meant to propose a measure which would produce that effect. If the noble Lord gave now an intimation that it was his intention to propose any such measure, he had such perfect confidence in the noble Lord that upon that promise he should rely, and not vote that night for the ballot; but if no such intimation were given, then, as a matter of justice to the country, he was bound to give his vote in favour of the motion of the hon. Member for London.

Mr. *W. O. Stanley* attempted to address the House, but shouts and cries were continued. He had hoped, he said, that he was in the society of gentlemen. Last year he had given his vote in opposition to the ballot, he had since changed his opinion with respect to it, and he could assure the House that for no other reason than this was he desirous of addressing them. He confessed he had heard with great sorrow the noble Lord, the Secretary for the Home Department, declare himself opposed to this question. That noble Lord entertained an erroneous opinion with respect to the prevalence of intimidation. He could assure the noble Lord that if he had been in distant parts of the country he would find that coercion prevailed to a very alarming extent. He would not attempt to go into the arguments on this question, as they had been much more ably stated than he could possibly state them; but he would relate one instance of coercion which he had seen in the public papers. It was a letter from "A consistent Conservative," to his banker. The letter was as follows:—"Dear Sir,—As a consistent Conservative, I feel I cannot continue my property in your hands, since you have supported a party in the borough which is bent upon carrying such measures through Parliament as are likely, I conceive, to disturb the security of private property, and to destroy the established institutions of the country—institutions which this property has been intrusted to me to support. I therefore beg to close my account with you." Hon. Members opposite seemed by their cheers to approve of this proceeding; but the gentleman who wrote this letter, as if there could be any doubt of his intention, stated afterwards, at a public dinner, that seeing the great influence which a banking business gave, he was not willing to neutralise his own exertions by contributing to an influence that was exercised against him, and he therefore closed his account. Did hon. Gentlemen opposite approve of these practices. The hon. Gentlemen opposite seemed to think that they had a right to do what they liked with their own. If such conduct were generally followed, what would become of society? If the principle were carried out to the full extent, society would fall asunder. He could state other circumstances. He had heard of a letter from two clergymen to two other clergymen, begging them to retract the solemn promises which they had given to vote for a particular person. They were well known in the county he represented, and were known, he doubted not, to some hon. Members of that House. He had only to say that, as the only means of protection that he at present saw against coercion and intimidation, he felt bound to advocate the ballot.

Mr. *Slaney* said, that as the town which he had the honour to represent had sent up to that House a petition, most respectably signed, in favour of the ballot, it was with pain and regret that he felt compelled by a sense of duty to vote contrary to the feelings of so many of those whom he so highly respected. He felt bound to vote against the proposition of the hon. Member for London. He acknowledged that the evil was great, but he thought that the remedy proposed was not the proper one. He acknowledged, that intimidation had taken place, and he regretted it; but he believed that it had taken place only lately. He believed that the evil was of a temporary nature, and he was unwilling to apply to what he conceived to be a temporary evil a permanent remedy, which he thought would increase the evil. At the last election party hostility had been carried to a much greater extent than at any of the six elections in which it had been his misfortune to be engaged. The two parties considered that they were contending for power for the whole of a new reign, and the magnitude of the occasion excited the men of the respective parties to make every effort for the purpose of gaining a majority. Under these circumstances of excitement both parties had recourse to means which in their cooler moments they would shrink from. Were they, for the sake of curing an evil that had arisen from temporary excitement, to introduce a change, and such a change, into the institutions of the country? Many reasons had been stated against the proposition of the hon. Member for London; but there was one, in his opinion, still stronger reason than any that had been adverted to. It was this, namely, that this proposition would alter the franchise of the whole kingdom. The Reform Bill, when agreed to, was considered as finally settled, at least for the time. He contended that this was one of the great claims in favour of that Bill; and in order that the Bill should have that effect, it was of a larger, a wider, and a more extensive nature than the most sanguine Reformer expected. That Bill had been received with approbation on all sides; and never had there been so strong an expression of the public voice in favour of any measure—a measure which was said at the time to be final. He did not mean that no alteration should take place in its details, but that as far as regarded the franchise it should be final. But, unfortunately, there were those who were now discontented with the Reform Bill, and who brought forward such measures as the ballot, the extension of the suffrage, the discontinuance of qualification, the repeal of the law of primogeniture, the expulsion of the Bishops from the House of Lords, and the reform of the House of Lords itself, which meant nothing more or less than its abolition. Such measures it was which induced the people of England, who viewed matters calmly and considerately, to throw themselves into what was called the Conservative scale. This it was that produced that reaction to which on a former occasion the right hon. Gentleman, the Member for Tamworth, alluded. His firm opinion was, that if such measures as the present were pressed for, the effect would be that that reaction would be increased. On the other hand, if intimidation were still carried on to the lamentable extent to which it had often proceeded, there would be such a reaction in the public mind as to call for some remedy, either the ballot or some other, with a force that there would be no resisting. He would not detain the House longer. He had stated his honest opinions; and however displeasing those opinions might be to some of his friends, he trusted that they would be reconciled to what he conscientiously believed to be his duty—to vote against the present proposition.

Sir *Robert Peel*:*—Mr. Speaker, one charge has been preferred against me in the course of this debate to which I must plead guilty. The Member for Sheffield (Mr. Ward) has asserted, that on the last occasions on which the question of ballot has been brought forward, I have contented myself with a silent vote. This is the fact: but as I have on three several occasions, since the year 1830, delivered my opinions on the subject of the ballot—as I have declared my decided objections to that mode of taking votes, and my reasons for entertaining them, I do not consider the imputation of occasional silence a very serious one. It is painful to travel over and over again the beaten circle of a stale and exhausted subject, and to consume the precious time of the House of Commons, by the repetition of statements and arguments perfectly familiar to your hearers. If I could have recriminated on the hon. Gentleman—if I could have charged him with the offence of holding his tongue, I cannot say that, in my opinion, the debate would have suffered from his silence.

He imputes to me a great confusion of ideas, in confounding a right with a trust, in considering the franchise of the voter to be a trust, for the exercise of which he is responsible. He says, that I was the first who discovered that the privilege of voting was of the nature of a public trust, and that the doctrine is exclusively mine.

Now, first, as to the novelty and the exclusiveness of this doctrine. I have heard the following question put in this House by others than by me: "What is the nature and obligation of the electoral trust?" I have heard this House adjured in emphatic language to "guard the commonwealth against innumerable breaches of trust committed by electors." I have heard supposed appeals made to this House by electors couched in the following language: "We (the electors) are tempted on every side to induce us to forfeit our trust." These are not extracts from my speeches, but from the speeches of the Member for the city of London (Mr. Grote). He, indeed, denies, that publicity is any security for the faithful performance of the trust. He thinks the ballot will enable the voter to discharge his duty more conscientiously; but he does not deny that the voter has a public duty to perform—that he has had committed to him a most important trust. The difference between him and me is not as to the existence of the trust, but as to the security for its faithful discharge. The doctrine, therefore, in regard to the elector's franchise being a trust, is neither novel nor exclusively mine.

Now for the argument of the hon. Gentleman contesting that doctrine. He says the franchise is not a trust, because it is a right. As if a trust could not be coincident with a right. I presume I have at present a right, an absolute legal right, for a time limited by law, to a seat in Parliament. But have I not a trust, also, co-existing with, and derived from, that right? But, further, according to the hon. Gentleman, the elective franchise is not only a right, but it is a right partaking of the nature of property: it is a right of the elector as absolutely his own as any other property can be. Was there ever heard such a doctrine? Was the elective franchise ever placed upon such a thoroughly sordid ground? If the franchise be a right involving no trust, and partaking of all the incidents of property, why does the hon. Gentleman object to the sale of votes? According to him the elector has an unquestionable right to dispose of this species of his property to the best bidder. Why, then, call for the ballot?

Now, what is the origin of this, the really novel doctrine, of which the hon. Gentleman will probably prove, not only the first, but the single advocate? It is not mere confusion of ideas on his part. It is that he feels the pressure of the argument in favour of publicity, as a security for the faithful execution of any public trust. It becomes, therefore, his manifest interest to show, if he can, that the elective franchise is not a trust; that it is thereby exempted from the application of that rule of publicity which is considered the most effectual check against abuse. The hon. Gentleman is the man who proposed the present system of taking votes in this House—who extended the time of a division from ten minutes to half an hour, for the express purpose of preventing secret voting—of publishing the names of the Members who vote on any question, and the side upon which they vote, in order that their constituents and the public may know the fact—in order that Members may be responsible to public opinion—in order that the salutary check of publicity may constantly exercise its tacit but powerful influence. What avails it, to say that the function of a Member of Parliament is different from the function of a voter—that the privilege and the trust of each respectively are derived from different sources? The question is, if both are public trusts, why is not the security against abuse, admitted to be good in the one case, good in the other? The ballot would occasionally give different results from open voting, if adopted in this House—it would be occasionally a check against the undue influence of private partialities and of party spirit, but you refuse, and wisely refuse, to purchase these occasional advantages at the cost of greater evils and greater abuses? Upon you rests the proof, that the same principle does not apply to the secret voting of electors, and there cannot be a more signal proof, that you feel the pressure of the argument against you, than that you fly for refuge to the ridiculous position, that a privilege, which is a right, cannot involve a trust; and to the monstrous doctrine, that the elective franchise is a right of the voter over which he has a control as absolute as that which he has over his property. So much for the hon. Gentleman's complaint against others, of a confusion of ideas, and novelty of doctrine.

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* From a report published by Murray.

The hon. Gentleman has another appeal to make to me. He says, that I have declared myself an advocate for the correction of all proved abuses,—this term also having been, like the argument in respect to the franchise, a discovery of mine. Now, says the hon. Gentleman, as I can show the abuse of intimidation and undue influence to be incident to open voting, and as you are pledged to correct proved abuses, you must adopt my remedy of the ballot, or propose a substitute. My answer is, that from the complicated relations of society—from the perversity of human nature—from the imperfection of all human devices—every institution, every public right that exists, must be liable to occasional abuse. Show me one that is free from it. Is trial by jury never abused? Is the liberty of the press never abused? Will it be sufficient that every shallow projector should show an abuse, in order that he may claim assent to his remedy? Surely he must satisfy us, that in the correction of one abuse he is not engendering others of greater magnitude? that in cutting out one gangrenous part, he is not injuring the vitals?

My belief is, that abuse in this case does exist, but that the extent of it is grossly exaggerated; that landlords, speaking generally, are not the tyrants they are represented to be; that the influence they exercise, is not so much the influence of intimidation as the natural and legitimate influence which is almost inseparable from the relation of landlord and tenant. There is no doubt, that during a contested election every appeal that can be made to the prejudices, passions, feelings, interests, of the voters, is made by each party, and will continue to be made, whatever may be the mode of taking votes. But we must not confound the language of heated partisans during the contest with the practical exercise of power afterwards; and I apprehend that the instances are of rare occurrence, in which a tenant, voting against the wishes of his landlord, is dispossessed of his holding: that when the excitement which prevailed during the conflict has subsided, better feelings regain the ascendency, and the tenant is not disturbed. I come to this conclusion quite as much from a consideration of what is the interest of the landlord as from implicit confidence in his sense of justice and generosity. It clearly would not be for the pecuniary interest of landlords to eject tenants, eligible in other respects, because they were lukewarm or hostile at an election. But it may be said that party feelings, that the electioneering spirit of the landlord will prevail over his pecuniary interest. My answer is, that the political influence of the landlord will be injured by harshness and severity towards his tenants, and that you have in that public opinion, which you will paralyse by secret voting, a natural and efficacious check upon tyranny, the more efficacious, because it does not merely operate by way of remonstrance; it does not merely make a tyrannical act unpopular: but it visits such an act with the penalty of the diminution of that influence which the act itself is intended to uphold. There are, no doubt, instances in which the gratification of vindictive feelings will prevail over every other consideration; but can it be denied that the political weight and influence of a landlord will be better promoted by justice and forbearance towards his tenants, than by injustice and severity; and that if political weight and influence be his object, a sense of his own interest will dictate to a man not swayed by passion, but by common prudence, the policy of not shocking the public feeling by acts of oppression and tyranny?

I shall proceed briefly to detail the grounds upon which I object to the system of secret voting.

In the first place, it is a system totally at variance with all the institutions, usages, and feelings of the people of this country, with all the maxims which have taught them to believe that free discussion, that publicity, that the light of day, that public opinion, are the great checks upon abuse. The people have been habituated to canvassing at elections, to the solicitation of promises, to all the activity and all the artifices, by which, at a contested election, one party seeks to gain a superiority over another. Every voter's inclinations and intentions are known; there is no neutrality, scarcely an instance in which a vote is reserved until the day of election. This may be right, or it may be wrong; but it is the inveterate usage of the country, and all this you hope to counteract by a small piece of cunning machinery, by Mr. Green's or Mr. Grote's ballot-box.

My belief is, that there will be no secrecy. I doubt, in the first place, whether you can give any assurance of what I will call the "mechanical secrecy" of the ballot-box, whether it can be so contrived as to guarantee absolute concealment. According to your hypothesis, landlords and customers will burn with desire to know in what manner their tenants and their tradesmen have voted. Every effort of mechanical skill, every device of vigilant dexterity, will be employed to discover the great secret. If it be discovered, nay, if there be a suspicion, that it may be discovered, the ballot-box fails. The fears of unjust punishment, magnified by doubt and uncertainty, will continue to operate on the mind of the voter.

In order to insure the success of this system of secret voting, it is indispensable, not only that there shall be absolute secrecy, not only that there shall be the impossibility of fraud, but a perfect conviction on the minds of voters and of the public that the disclosure of votes, and that fraud in taking the votes, are impracticable. Now, at every polling place throughout the country, there must be a ballot-box placed in some apartment casually provided, committed to the charge of some inferior agent—a deputy, I presume, of the returning officer. The returning officer may be a warm partizan at the election. The result of the balloting may disappoint the public expectation. Votes have been promised in sufficient numbers to carry the election of one party, but the other has succeeded. In nine cases out of ten, there will be a suspicion of unfair play—an unjust one, perhaps, but how will you correct it?

Suppose there be unfair play, and who, seeing what has been effected by mechanical skill, what apparent miracles it has performed, deceiving the senses and bewildering the reason of men, can be perfectly sure that the contrivances of your ballot-box may not be defeated through superior dexterity, combined with dishonesty, in those who have charge of the ballot-box? Suppose there be unfair play, what means can you resort to of detecting it? Suppose there be the imputation of fraud, how can you refute it? You can have no scrutiny. You cannot open the ballot-box. Your pledge to the voter is absolute concealment of his vote. Surely this is in itself a great objection to your system. You not only free the voter from all sense of responsibility, you not only enable him to discharge in secret a public trust, but you preclude yourselves from all subsequent inquiry, from all satisfaction of the public mind, even if there should be a prevailing suspicion that there has been dishonesty and fraud in the taking of votes, and that the rightful Member has not been seated.

But let us concede, for the sake of argument, that mechanical secrecy can be effectually provided for, that there shall also be a perfect conviction on the public mind that it is so provided for, and that the possibility of fraud is excluded. Still I contend the ballot will give no effectual security either against intimidation and undue influence, or against general notoriety of the manner in which votes have been given. After the ballot shall have been adopted, what will be the practice at an election? Canvassing is not to be prohibited. All the appeals now made to the prejudices, feelings, passions, interests of the voters, may still be made. And, by the way, why is not canvassing, why are not these appeals prohibited? According to the principles of the Member for the City of London, they ought to be; at least according to the principles laid down in one part of his speech, for he is at direct variance with himself upon this head. In one part of his speech he observed, that landlords would still make an appeal to the reason and affection of their tenants and dependents, and that, what he admitted to be the legitimate influence of property, would not be diminished. But in another part of his speech he stated, that the voter was as much bound to give his vote according to the pure dictates of his conscience, as the witness to give his evidence on oath, and the juryman to find his verdict: and that it was as great an offence to tamper with the vote as with the evidence or the verdict. If this be so, why do you tolerate canvassing? What legitimate influence can property *exercise?* What right *can there be* to appeal to the affection of voters? Did any landlord ever take a witness or a juryman aside, and remind him of long family connection, or of benefits received, as a reason for influencing his testimony or his verdict? No; there is an obvious distinction between the two; the universal usage of mankind has at least recognised such a distinction, and it will prevail over all the analogies which the refinements of argument may try to establish.

But to return. The election approaches. The landlord and his steward, with a long train of friends, will canvass the tenants. Precisely the same appeals will be made, and with precisely the same result. The instances will be rare in which the promise of a vote will not be freely given. Can it be withheld? Not according to your hypothesis; for, so far as the previous promise is concerned, the influence of the landlord and the fear of oppression are untouched. The doubtful voter will be asked to stay away; to pair off with the certain enemy. What remedy does the ballot-box give? You contend, that though canvassing is not to be prohibited, it will virtually cease under the system of secret voting, because it will be useless—because no one will think it worth his while to ask for the promise of a vote, when he is not certain whether the promise will be kept. What an unfounded assumption! If true, what a condemnation of your own measure! for it rests the vindication of secret voting on the imputation of universal dishonesty and universal distrust. Depend upon it, that, in nine cases out of ten, where the voter is subject to influence, and where influence would now be exerted, it will continue to be so. The promise will be asked, the promise will be given, and the promise will be kept. There will be occasionally an ill-conditioned fellow, with a spite against his landlord, or with his head turned by the tirade of the last Radical newspaper, who will break his word; but the general rule will be—the observance of good faith. If it be, the ballot will have done nothing; for the promise will have been given from the same motives which now influence the vote. But supposing the observance of good faith be not the general rule; supposing that promises are freely given, and afterwards violated, will the ballot give an effectual protection to the voter against the landlord who shall be disposed to abuse his power—will no suspicion fall on the violators of promises? Is it possible that in a country like this, in which perfect publicity has hitherto accompanied the exercise of the franchise—in which every man's vote is talked of and canvassed—in which the contested election occupies the thoughts, and is the theme of conversation for weeks before and weeks after it takes place, a man can so regulate his language, his company, his very looks, that there shall be no guess as to his inclinations and intentions—that the cunning agent shall have no means of discovering from his intimate associates, from his family, from his servants, from his wife, or, at least, of vehemently suspecting, which is the tenant that has kept, and that has failed to keep, his word? Now, vehement suspicion is no ground for inflicting a legal penalty; but it is a ground on which a landlord, assumed by the hypothesis to be of an oppressive and vindictive character, might harass an obnoxious tenant. These, Sir, are the main grounds upon which I doubt the efficacy of the ballot to insure secrecy and to protect the voter.

It is said, however, that if the ballot shall effect little good, it will do no harm, and may therefore be adopted without danger. I dissent from this opinion. In times of perfect tranquillity the ballot might possibly be merely a delusion, but in times of great public calamity or excitement it might be the instrument of irreparable evil. There might prevail a temporary clamour for war or for peace; unreasonable prejudices, with regard to public matters of deep interest; there might be false impressions purposely created by a Government, during the prevalence of which it might be deeply and permanently injurious to the public interest to have a general election, the voters being freed from all control of publicity. The fever of the moment, the popular cry, might deaden the influence of reason, and the influence of property, much more effectually under a system of secret than of open voting. I know it will be said, that this implies distrust of the constituent body—that it presumes they are unfit to be trusted with the elective franchise. It certainly does imply that there may be occasions when the public mind is for a season under the influence of prejudice, of passion, of unwise impatience, and that it is for the public interest that a public trust should be discharged under responsibility to public opinion—to that sober public opinion which, a few months afterwards, will pronounce judgment;—subject also to the present control, which property, and station, and more enlightened views, may legitimately exercise, and can exercise with greater effect at such seasons of excitement, under the present system of voting than under the ballot. I do mean to imply this distinctly; and my position is, theoretically and practically, more sound than that for which you contend; namely, that every voter is entitled to exercise precisely an equal degree of influence upon the administration of public affairs—no matter what may be the differences in point of property, or education, or experience—and that he may exercise the privilege that has been conferred upon him, not for his individual advantage, but as a public trust, in secrecy, free from all responsibility, and without even the possibility of being questioned.

It has been taken for granted, in the course of this debate, that the ruling principle with the tenant is to obey the commands of his landlord. A Radical candidate finds himself opposed by the farmers, and at once attributes the opposition to himself, not to the free will of the tenant, but to the control exercised by his landlord. One gentleman has admitted that he found a great change, a great reaction, in the opinion and feelings of the landed proprietors, but complains that the tenantry should have been made to change their votes. But why *made* to change? Why should not the reaction have extended to the tenantry? Why should not they have voluntarily partaken in the sentiments or the fears which influenced their richer neighbours? Suppose the repeal of the corn-laws has alarmed the gentry, or the correspondence with rebels in Canada has disgusted them, is it not a more natural presumption that similar fears and similar disgust have extended to the occupiers of the soil as well as the proprietors, than that one class has been coerced by the other?

The examples of foreign countries have been again cited as an argument for the ballot. It is said that it comes recommended to us in modern times by the practice of France and the United States, and is sanctioned by the venerable authority of Rome. Even if the ballot had been a successful institution in other countries, no safe conclusion could be drawn therefrom as to the easy adaptation of it to the inveterate habits and feelings of this country. It would be difficult to judge what has been the reciprocal effect in any country of political institutions upon the character and manners of the people, and of character and manners upon such institutions,—how they have acted and reacted upon each other. I was struck in the course of this debate by the contrast drawn by one hon. Member (Mr. Lytton Bulwer) between the character of the aristocracy of Germany and of that of England, but I drew a totally different conclusion from that which the hon. Gentleman drew, as to its bearing on the question of the ballot. "Look," said the hon. Gentleman, "at England and Germany at this day. In Germany, where the constitution keeps the nobility apart from the people, the nobility have not the energy, the ambition, the excitement sufficient to produce great men, and the most eminent names spring from the people: but in England, where the constitution has more or less forced the Gentlemen to cultivate the public opinion of the masses, you find in the class of the Gentlemen the great ornaments of literature, of the state, of the army, exhibiting that intellectual eminence, and exercising that moral influence which must always result from uniting the aristocratic advantages of leisure and property with the popular elements of activity and ambition." Now, if this be, as I believe it to be, a just panegyric upon the character of the English aristocracy—if the contrast with the aristocracy of continental Europe be correctly drawn, there is surely a strong presumption against any material change in those institutions which in all probability have principally contributed to produce this happy result. But there is a peculiarly strong presumption against this particular change, that is, against the system of secret voting. According to your own showing, the personal intercourse between the aristocracy and the masses (so far as elections are concerned) is to be diminished. The gentry are to be virtually excluded from that particular field on which, in political matters, they come habitually into contact with the masses. There is to be no motive for soliciting a promise; all the stimulants to energy and activity which are now supplied by the necessity of personal canvassing, of unremitting personal exertion, of appeal to every motive by which an elector can be influenced, are to be deadened or destroyed. It appears to me, then, to be a perfectly just conclusion, that if the character of the upper classes in England do stand so deservedly high, and if it be mainly attributable to the combination of the aristocratic advantages of leisure and property, with the popular elements of activity and ambition, it is most unwise to disturb, by experiments of uncertain issue, the political institutions of the country, of which that aristocracy is the ornament, and particularly by a system of secret voting, to paralyse existing incentives to the activity and exertion of the upper classes, and to their personal contact and intercourse with the people.

Now with respect to the examples of foreign countries which have adopted the ballot. In France the main object of it is protection from the influence of the Government. Yet it would appear that in France the ballot fails in these respects at least; first, in producing a complete assurance on the part of the public as to this perfect secrecy of voting; and, secondly, in preventing the exercise of influence in elections on the part of the Government. There repeatedly is dissatisfaction in France with the results of the ballot; charges have been preferred against the Government or the agents of Government, of violating the secrecy of the ballot-box. The first of the four charges preferred against the Government of the Prince de Polignac, was interference with elections, and the violation of electoral rights. At every general election there is in France, the direct and avowed exercise of Government influence. Demands are made upon all the subordinate functionaries of the Government to support by their vote the views and interests of the Government; and when the charge of interference is preferred against the Government of the day in the Chamber of Deputies, the answer is not denial, but recrimination—"You did the same." If the ballot-box in France does give perfect protection to the subordinate officers of the Government, if it insures perfect secresy, removes all apprehensions of fear, or expectation of favour, whence the circulars of French Ministers, the exhortations to the electioneering activity and zeal of their dependents, the rewards for the exbition of these qualities, the punishments for the want of them? And does the ballot in France justify your predictions, that there will be no motive to solicit the promise of a vote, when you have not the means of ascertaining how the vote will be given?

The ballot is in force in the United States, but what are its effects? Is there no canvassing there? No solicitation of votes? Is there secrecy as to the vote? Is it not notorious that the influence of party feeling, the influence of institutions, laws, manners, habits like our own, the love of publicity, the prevalence of free discussion, the open expression of individual opinion, defeat the precautions of the ballot-box, and establish, by voluntary disclosures, or by indications of opinion which are tantamount to disclosures, a general notoriety as to the manner in which votes have been given? In the United States, when the ballot was originally introduced, there had not previously prevailed the inveterate usage of open voting. The people had to form a new constitution; they were at liberty to adopt such institutions as might appear to them most consistent with its ruling principles, unembarrassed by previous usages and prejudices in favour of other pre-existing institutions. If the ballot had succeeded there, it would not necessarily follow that it must succeed in another country, where it would have to struggle against the current of established habits and the feelings connected with them. But if it fails in the United States, in insuring secrecy (I speak not of mechanical secrecy)—if there even " sensus moresque repugnant"—if it is there counteracted by the influence of feelings stronger than the provisions of the law, and that the votes taken in secret are, nevertheless, generally notorious, is there not reason to apprehend that it will fail here also in establishing secrecy, and that the security it professes to give, will be perfectly delusive?

The example of Rome has been again appealed to, and the hon. Gentleman (Mr. Lytton Bulwer) has referred to Gibbon's authority for the purpose of establishing the fact that the ballot was effectual in Roman elections in securing the voter from intimidation and improper influence. The expressions of Gibbon, referred to by the hon. Gentleman, in respect to the veteran being freed by the ballot from the controlling influence of his general, point out the particular passage which the hon. Gentleman has in view. Now let us take the whole of that passage, and then judge whether Gibbon can be fairly referred to as an authority in favour of the ballot and its operation upon the state of society and the civil Government of Rome. The passage is this:—

> "The tribunes soon established a more specious and popular maxim, that every citizen has an equal right to enact the laws which he is bound to obey. Instead of the centuries they convened the tribes; and the patricians, after an ineffectual struggle, submitted to the decrees of an assembly in which their votes were confounded with those of the meanest plebeians. Yet as long as the tribes successively passed over narrow bridges and gave their voices aloud, the conduct of each citizen was exposed to the eyes and ears of his friends and countrymen. The insolvent debtor consulted the wishes of his creditor, the client would have blushed to oppose the views of his patron, the general was followed by his veterans, and the aspect of a grave magistrate was a living lesson to the multitude. A new method of secret ballot abolished the influence of fear and shame, of honour and interest, and the abuse of freedom accelerated the progress of anarchy and despotism."

When next, Sir, the hon. Member for the city of Lincoln quotes Gibbon, I hope this will encourage him to give the whole passage, instead of only a portion of it.

There is a remarkable passage in Pliny, with respect to the practical working of the ballot in Rome. Pliny had admitted, that for some evils in elections, the ballot would probably be a remedy, but he feared that it would introduce evils more aggravated than those which it might correct. In writing afterwards, he says, that his apprehensions had been confirmed by the result; and in the course of his observations, he gives this brief but striking description of the voter by ballot:—

> "Poposcit tabellas, stilum accepit, demisit caput, neminem veretur, se contemnit."

The reverence for authority was gone, the fear of public opinion was removed, the aspect of a grave magistrate — the living lesson (as Gibbon calls it) to the multitude, ceased to encourage or rebuke; and the voter retired from the ballot, conscious perhaps of the violation of a promise, with the sense of shame in his demeanour, and the feeling of dishonour and degradation in his heart. And be assured that if this feeling be introduced here, if you accustom the voter to the violation of a solemn promise, if you make him believe that a lie told to a landlord is of little comparative consequence, you will dearly purchase the advantage of a secret vote, at the price of promises disregarded — truth habitually violated—the sense of honour destroyed, and self-esteem extinguished.

You tell us that the ballot is necessary for the perfection of past reforms, and for the contentment and satisfaction of the people. The ballot is now proclaimed to be the great, the only measure which can secure liberty of opinion and lay the foundations of concord. I distrust your prophecies. I compare your past predictions, as to the results of great constitutional changes, with your present description of them. You told us, a short time since, that the one thing needful for our harmony and welfare, was the destruction of nomination boroughs, and the infusion of more of the democratic principle into the constitution and working of the Government. Your opinions prevailed,—your views were accomplished. Six short years have passed, and so far is it from your prophecies having been fulfilled, that, according to your own declarations, reform has been an utter failure; it has aggravated all the former evils of elections, there has been more of intimidation, more of expense, more of corruption since the passing of the Reform Bill than there was before. There is now, if we are to credit your assertions, no legitimate ground for confidence in the Members assembled within these walls. The existing system has lost all title to national esteem;—in fact, we have no representative system The baneful principle of nomination remains in force. We are described, in short, to be in the last stage of that decrepitude in which the power of Rome crumbled into dust, when the forms of free government were preserved, but all the vital energy was extinguished.

All these are your expressions, not mine; your expressions applied in the course of this debate, to the present reformed representative system of this country. I contrast them with your former predictions, when that very system was under discussion, and when you hailed the measure of parliamentary reform, as the second great charter of national liberty. So will it be with the ballot. Six years hence, you will discover not only that it is inoperative, but a positive curse. Then will arise the complaints of new abuses—of new schemes of wholesale and systematic bribery—of payments for votes, contingent upon the successful result of the election—of voters harassed and punished upon bare suspicion of imputed frauds, and the impossibility of detecting them, if the pledge of perfect secrecy is to be fulfilled. But, above all, will arise the indignant complaint, that the constituent body is a limited and privileged class, protected from all responsibility, shielded by secrecy in the exercise of public functions, enabled, because unchecked by shame or public opinion, to gratify private pique, or, perhaps to profit by the new and secret corruption which ingenious bribery will have devised. Then will come the demand, even now plainly foreseen and foretold,—the demand for extended suffrage as the necessary consequence, nay, as the only remedy of the special evils of the ballot,—for suffrage, not circumscribed by arbitrary rules as to residence or property, but for suffrage co-extensive with population, and restricted only, if at all, by the age of twenty-one. Thus will you proceed from change to change, one rendering inevitable another, partly from the restless appetite for innovation, growing with indulgence; partly from the impatience, the justifiable impatience of new and intolerable evils. Thus will you proceed, until the whole principles and character of your constitution and form of Government are changed, and a fierce democratic republic is erected on the ruins of a limited monarchy.

Believing that limited monarchy to give much better securities for peace, prosperity, and liberty than such a republic, foreseeing that the Ballot must involve future changes in the representative system, more extensive and important than the Ballot itself, changes inconsistent with the principles of a mixed form of Government by King, Lords, and Commons, I shall give my unqualified opposition to this motion.

Mr. *C. Buller* said, amidst cries of "divide, divide," the right hon. Baronet had come forward in a chivalrous manner to defend the noble Lord from the attacks made upon him in another quarter. Now, although he gave credit to the right hon. Baronet for the magnanimity of this conduct towards a political opponent, he could not help thinking that he was taking the most effectual method of damaging such an adversary and increasing his unpopularity by proclaiming the identity of their opinions. When the right hon. Baronet said, he had not introduced any novelty into this discussion, he did himself great injustice; for he certainly had introduced into it great novelty of discussion. He would not refer to ancient history as copiously as the right. hon. Baronet had done; but he would just remind him that Cicero said, "that the ballot opened the front of man." The right hon. Baronet, referring to the elections in France, said that there was a tampering with the ballot-box; that after the votes had been deposited in the box they were not safe, but were exposed to be tampered with by the returning officer, who, consequently, frequently made a false return. Now, he defied the right hon. Baronet to find an instance of this in the whole history of France, from the time of the concession of the Charter by Louis 18th. Many elections had been illegal; but there was not an instance of one which had been tampered with in the manner described by the right hon. Baronet. The illegality consisted in the returning officer depriving the elector of his right of writing down his vote secretly, and compelling him to write it down in public. As to the opinion of the people of France or of the people of America, with respect to the ballot, he did not pretend to be intimately acquainted with it. Nor would he refer, as he might, to the statement of travellers on that subject, but he would advert to much higher evidence. He would advert to the public testimony afforded by the conduct of those and other nations, as showing what their experience had taught them to think of the efficiency of the system of voting by ballot.

He would challenge the right hon. Baronet to show an instance in all the countries of the modern world in which a state, adopting a representative government, had not, at the same time, adopted the vote by ballot. In all the new states of the North American union that had been done; in all the alterations made in the old states that had been done. In Switzerland the same thing had occurred. Where the states were free there the ballot was found; where they were not free the ballot did not exist. All the cantons in Switzerland which partook of the revolution of 1830 adopted the ballot. There was not a single instance in which a canton, which had used the ballot, had gone back to the system of open voting. And yet the House had been told that the ballot did not work well; they had been told so, notwithstanding this general acknowledgment in its favour. They had the testimony in its behalf, not of the friends of the people, but also of the enemies of the people. For whenever the enemies of the people attempted to violate their privileges they attacked the ballot. His hon. Friend, the Member for Sheffield, had said that "no eminent French statesman" had opposed the ballot. His hon. Friend had forgotten that eminent statesman Charles 10th, who, when he attempted by his ordinances to destroy representative government, had taken care to decree the substitution of open for secret voting. The inference to be drawn from the conduct of the Liberal portion of America, Switzerland, or France, was not against but strongly in favour of the efficacy of the ballot. Nor was it less so to its morality. The ballot had prevailed in the moral and enlightened cantons of Switzerland, in the moral and enlightened monarchy of France, and in the moral and enlightened republic of America. In all those countries moral and religious freedom was preserved, notwithstanding the system which its opponents declared must demoralise any country into which it was introduced. He would grant that the ballot would give voters the power to accept bribes from both sides in an election contest. What was the inference he drew from that circumstance? That, by establishing the ballot, they would take away from any man an interest in bribing a voter. That was not the only case in which our laws and usages operated beneficially in this indirect manner and prevented evil by apparently permitting it to be practised with impunity. In order to prevent minors from being cheated by tradesmen, minors were allowed the power of cheating tradesmen. Why were they allowed this power? For the plain reason that it rendered tradesmen loath to give credit to persons who were permitted by law to cheat them with impunity. In the same way give the elector the power of cheating with impunity the man who bribed, canvassed, or threatened them, and candidates would not bribe, threaten, or canvass those who could cheat them with impunity. He hoped he might be allowed to make a few remarks upon the speech of the noble Lord (Lord John Russell), who, he must say, had been as little guilty of novelty as any body who had addressed the House upon the occasion. It was not with the arguments which the noble Lord advanced against the efficacy and morality of the ballot that he intended to deal, but with the imputation which, without a shadow of reason, he endeavoured to fasten upon all the supporters of the motion of the hon. Member for London (Mr. Grote), and by which he attempted to make out that the ballot would be employed as the first and primary instrument towards the achievement of very wild schemes of extensive and unlimited encroachments upon the constitution. He thought that the noble Lord was palpably unjust when he advanced such an argument against the supporters of the motion. The proposition for the adoption of the ballot was not brought forward with the view of making it the instrument for effecting future and more extensive changes. He could not conceive how it was to operate as an instrument of change. The proposition for the ballot was introduced for the purpose of consolidating political power in the hands of those who now possessed it. The Reform Bill gave the right of voting to a large class of persons; the supporters of the ballot wished to enable that large class of persons to exercise their right of voting unchecked and uncontrolled—unchecked and uncontrolled as much by the non-elector below them as by the wealthy and influential above them. The noble Lord in the course of his address had raked up all the speeches which had been made at various meetings at various places n consequence of the unfortunate speech made by the noble Lord at the commencement of the present Session of Parliament. The noble Lord had alluded particularly to the speeches made by the hon. Member for

Southwark (Mr. D. W. Harvey), and by another Member of the House, in one of which he said the ballot was recommended because it could not fail of becoming the instrument for effecting an extension of the suffrage, and in the other, because it would lead to a shortening of the duration of Parliaments. Now, the real effect of the ballot would be to make the 10*l.* householder perfectly independent in the exercise of his vote; and that, he supposed, was what the opponents of the ballot did not wish. The right hon. Baronet (Sir Robert Peel) was wrong in saying that he had introduced no novelty into the discussion of this question. The right hon. Baronet was too modest. The right hon. Baronet had been guilty of the great novelty of being too frank. The argument advanced by the right hon. Baronet was an argument against representative government altogether, and that was what the opposition to the ballot really meant. The right hon. Baronet had stated it as one of his objections, that by the ballot the people would in times of excitement obtain the power of exercising their franchise in a manner dangerous to the peace of society, because it would be in opposition to the more wealthy and intelligent. But if open voting had the effect of subjecting the voter in one case to the influence of the powerful, how did the right hon. Baronet provide for its not always producing this effect? And as the right hon. Baronet had not defined the peculiar crises in which one class ought to have this control over the votes of the rest, and as it appeared impossible to do so, he could not help inferring that the right hon. Baronet really wished that the rich should in all cases have the power of controlling the franchise of the rest of the community, and this was the real ground of opposition to the ballot. The ballot was opposed because it would substitute representation in the place of nomination. Every argument upon which the opposition rested distinctly avowed it. By the Reform Act the people obtained the suffrage; but matters had since been so managed as to render the effect of that measure in a great degree null; and now that the true and legitimate objects of the Act had been defeated, the hon. Gentlemen opposite came forward and declared themselves its stanch supporters? Why? Because it kept the voter in thrall—because it prevented the independent exercise of the franchise—because it neutralized the act and the principle of representation which those Gentlemen had always opposed. [*Cries of "Oh!" and "Divide!"*] He had always observed, that, nothing so much excited a noisy and obstreperous cry of "Oh!" from the opposition benches as a plain telling of the truth. The fact was, that since the hon. Gentlemen opposite had become practical reformers, they had forgotten all their ancient principles of conduct, and nothing was now so distasteful to them as to be reminded of their former sayings and doings. The noble Lord the Member for Stroud, did not oppose the ballot with the same view, he admitted that the vote ought to be free; but, somewhat oscillating between aristocracy and democracy, he added, that he thought it ought to be checked by responsibility—to whom he could not make out, whether to the aristocracy or to the democracy. He himself stood between the two, and said, that the voters to whom the Reform Act gave the franchise were the fit depositories of political power, and that means ought to be given to them of exercising their franchise with freedom and security. But he maintained, that the legal gift of the franchise had been nullified by the deficiency which existed in the mode of voting. He asked for no increase of the franchise. He did not agree with the hon. Gentlemen opposite, who in spite of their professed respect for the Reform Act, endeavoured last Session, when they voted for the proposition of Sir James Graham, to curtail the franchise by depriving a large class of electors of the right to vote. He did not agree with those who wished to disfranchise the freemen or the 50*l.* leaseholders. He wished to disfranchise no man. He would leave the franchise as it now stood, neither curtailing it nor extending it. That was his wish at present; but he did not mean to say, that hereafter an extension of the suffrage might not be necessary. He was not presumptuous enough to lay down laws to bind posterity. He did not think, that the franchise prescribed by the Reform Act was a franchise that should last for ever. But he had no intention to change it; he merely wished it to be unfettered. For that purpose he supported the ballot. It was not to the principle, but to the defective machinery of the Reform Act that he and those who thought with him upon the subject of the ballot, attributed the evils of which they complained. "The Reform Act," he continued, "is a good Act, if you would carry it into effective operation It is good in as far as it confers the legal title to the franchise on the mass of intelligence and property of the country. All we call on you to do is, to adopt an alteration in the mechanism of voting, that shall ensure to that class the actual possession of the privilege which the law has given it. We seek not admission for any new principle. The independence of the voter is a principle as ancient as Parliament itself. Many laws have been passed to guard it; a hundred resolutions of this House have proclaimed its importance and its sanctity; and still the independence of the voter is not preserved. What I call upon you to do is to vindicate your own laws. Do not allow the insolence or the frauds of wealth to trample on the fundamental principles of your constitution, but by the simple machinery of a box and a card protect rights which you profess to revere —rights which a mighty nation cherishes and will cause to be respected."

Mr. *Grote* said, it would ill become him to trespass at any length upon the patience of the House after the indulgence with which it had been kind enough to listen to him in the early part of the evening; but as his motion had been met by the decided opposition both of the noble Lord (Lord J. Russell) and of the right hon. Baronet (Sir R. Peel) who sat opposite, he hoped he might be permitted to make two or three remarks upon what had fallen from them only. With all the ability which they had employed upon the occasion they had not done what it was incumbent upon them to do—they had not replied to his objections, nor to the complaints and objections of the voters of England, who were the principal parties interested in the discussion. They had neither of them denied the existence and reality of intimidation; they had not pretended to provide any other remedy for intimidation than that which he (Mr. Grote) proposed, unless, indeed, he were to be called upon to adopt as a remedy that sort of impotent lecture to the landlords which the noble Lord, the Member for Stroud, had not been ashamed to use again that evening, although he had used it at his election for Devonshire in 1832, and although subsequent experience must have convinced him how utterly useless, how wholly null, it was. He repeated, that to the complaints and objections of the voters of England no solid answer had been returned either by the noble Lord or by the right hon. Baronet. Instead of returning a solid answer, what had been done? Why, they ascribed to the ballot a tendency—which in no reasonable view the ballot could be held to possess—to stifle free discussion. He maintained that the ballot would at once open to the constituency of England a greater freedom of discussion, a greater freedom of speech, than they had ever yet possessed. He maintained further that it would encourage and strengthen all those moral influences which the noble Lord and his right hon. ally contended it would depress and destroy. The right hon. Baronet had said much about the impossibility of maintaining secrecy. But, surely, it could not have escaped the right hon. Baronet that if he wished to see whether the plan which he proposed would be effectual or not the right hon. Baronet ought to allow him to introduce his bill. If the provisions of the bill did not satisfy the right hon. Baronet that a complete secrecy could be secured, then he might oppose it; his opposition now was premature. If he were one of those who felt eager for the permanence and popularity of the Government of which the noble Lord was the leader, he should express his very great regret at the language which he had used that night, and the opposition which he had given to the question. Little did the noble Lord know the effect which would be produced in the country by the words he had uttered that evening. He (Mr. Grote) was much mistaken if the noble Lord did not soon find reason to regret those words and the decision they announced. The noble Lord told them that the ballot was now indissolubly connected with extension of the suffrage, and triennial Parliaments. And what had made it so? He would tell the noble Lord. It was his own declaration upon these subjects at the commencement of the present Session. He was a friend to the ballot, a friend to an extension of the suffrage, and a friend to triennial Parliaments; but he asserted that the three questions were quite distinct, that any one of them might be supported and the others resisted by the same individual, without his being thereby exposed to the charge of inconsistency. It was the noble Lord and his Government who were doing all they could to connect the three questions by an indissoluble tie, and he would take leave to tell them, that though for the moment they might get over the difficulty caused to them by the question of the ballot, they were laying up for themselves far greater difficulties, and that ere long the three questions they so much apprehended would roll in upon them and the House in a way they would find it impossible any longer to resist. He maintained that the Government had no right at the present moment to connect the three questions indissolubly together. He now introduced to the consideration of the House the separate and distinct question of the ballot, placing it before them on its own grounds and merits, and on those grounds and on those merits, and without reference to any other question, he called upon them for their decision.

The House divided:—Ayes 198; Noes 315: Majority 117.

List of the Ayes.

Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Anson, Sir G.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Ball, N.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord W.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Bulwer, Edw. L.
Busfield, W.
Butler, hon. C.
Callaghan, D.
Carnac, Sir J. R.
Chalmers, P.
Chapman, Sir M.
Chester, H.
Chichester, J. P.
Clay, W.
Clive, E. B.
Collier, J.
Collins, W.
Conyngham, Lord A
Craig, W. G.
Crawford, W.
Currie, Raikes
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duckworth, S.
Duke, Sir J.
Duncan, Visct.
Duncombe, T.
Dundas, C. W. D.
Dundas, Frederick
Dundas, hon. J.
Dundas, Captain
Easthope, J.
Elliott, hon. J. E.
Ellice, Captain A.
Ellice, E.
Erle, W.
Etwall, R.
Evans, Colonel
Evans, G.
Fielden, J.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzgibbon, Col.
Fitzsimon, N.
Fort, John
Gibson, J.
Gillon, W. D.
Grattan, H.
Guest, J. J.
Hall, B.
Harvey, D. W.
Hastie, A.
Hawkins, J. H.
Hector, C. J.
Heron, Sir R.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howard, F. J.
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Jephson, C. D. O.
Jervis, J.
Jervis, S.
Johnston, General
Kinnaird, hon. A. F.
Lambton, H.
Langdale, hon. C.
Langton, W. G.
Leader, J. T.
Lister, E. C.
Lushington, C.
Macleod, R.
Maher, J.
Marshall, William
Marsland, H.
Martin, J.
Maule, W. H.
Melgund, Viscount
Molesworth, Sir W.
Muskett, G. A.
Nagle, Sir R.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Paget, F.
Palmer, C.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, M.
Phillpotts, J.
Ponsonby, hon. J.
Poulter, J. S.
Power, J.
Protheroe, E.
Pryme, G.
Ramsbottom, J
Reddington, T. N.
Rice, E. R.
Rippon, C.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Col.
Sharpe, General
Sinclair, Sir G.
Smith, J. A.
Somers, J. P.
Somerville, Sir W.
Spiers, A.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R.
Steuart, R.
Steuart, V.
Stewart, J.
Stuart, Lord J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thornley, T.
Tuffnell, H.
Turner, W.
Vigors, N. A.
Villiers, C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Wemyss, J. E.
Westenra, hon. J. C.
Whalley, Sir S.
White, A.
White, L.
White, S.
Wild, Mr. Sergeant
Williams, W.
Williams, W. A.
Wood, Sir M.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Grote, G.
Ward, G.

List of the Noes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adam, Sir C.
Adare, Visct.
Alexander, Visct.
Alford, Viscount
Alsager, Captain
Alston, Rowland
Arbuthnot, hon. H.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, F. T.
Baring, hon. F.
Baring, H. B.
Baring, W. B.
Barnaby, J.
Barrington, Viscount
Bateman, J.
Belfast, Earl of
Bell, M

Bennett, J.
Bentinck, Lord G.
Bethel, R.
Blackburne, L.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Bolling, W.
Borthwick, P.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buller, Sir J. Y.
Burdett, Sir Francis
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Byng, G.
Byng, right hon. G. S.
Campbell, Sir H.
Campbell, W. F.
Canning, Sir S.
Cantilupe, Viscount
Castlereagh, Viscount
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chandos, Marq. of
Chaplin, Colonel
Chapman, A.
Chetwynd, Major
Chisholm, A.
Christopher, R.
Chute, W. L. W.
Clive, Visct.
Clive, R. H.
Codrington, C. W.
Cole, Visct.
Colquhoun, Sir J.
Compton, H. C.
Conolly, E.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cowper, hon. W. F.
Cresswell, C.
Cripps, J.
Curry, W.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Douro, Marquess
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Duncombe, W.
Duncombe, A.
Dundas, hon. T.
Dungannon, Visct.
Dunlop, J.
East, J. B.
Eastnor, Visct.
Eaton, R. J
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Evans, W.
Farnham, E. B.
Farrand, R.
Fielden, W.
Fellowes, E.
Ferguson, Sir R. A.
Fergusson, rt. hon. C.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Follett, Sir W.
Forbes, W.
Forester, hon. G.
Fremantle, T.
French, F.
Gaskell, Jas. Milnes
Gibson, T.
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Capt.
Gore, O. J. R.
Gore, O. W.
Goring, H. D.
Goulburn, rt. hon.
Grant, hon. Col.
Greene, T.
Greenaway, C.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Halse, J.
Handley, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hon. Sir H.
Harland, W. C.
Hawkes, T.
Hayes, Sir E.
Heathcoat, Sir G.
Heathcote, G. J.
Heneage, E.
Henniker, Lord
Herbert, hon. S.
Herries, J. C.
Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hobhouse, Sir J.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W. A'C.
Holmes, W.
Hope, G. W.
Hope, H. T.
Hotham, Viscount
Houldsworth, T.
Houstoun, G.
Howard, P. H.
Howard, hon. W.
Howick, Viscount
Hughes, W. B.
Ingestre, Visct.
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jermyn, Earl
Johnstone, H.
Jones, J.
Jones, W.
Jones, T.
Kemble, Henry
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Labouchere, rt. hn. H.
Lascelles, hon. W.
Law, hon. C. E.
Lefroy, hon. T.
Lemon, Sir C.
Lennox, Lord George
Lennox, Lord Arthur
Leveson, Lord
Lewis, W.
Liddell, H. T.
Litton, E.
Lockhart, A. M.
Logan, H.
Long, W.
Lowther, J.
Lygon, G.
Mackenzie, T.
Mackinnon, W.
Maclean, D.
Mactaggart, J.
Mahon, Visct.
Mahony, P.
Maidstone, Visct.
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Meynell, Capt.
Miles, W.
Miles, P. W. S.
Milnes, R. M.
Milton, Visct.
Moneypenny, T.
Mordaunt, Sir J.
Morpeth, Viscount
Neeld, J.
Neeld, J.
Norreys, Lord
Ossulston, Lord
Packe, C. W.
Paget, Lord A.
Pakington, J. S.
Palmer, R.
Palmer, G.
Palmerston, Viscount
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, right hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval hon. G.
Peyton, H.
Philips, Sir R.
Pinney, W.
Planta, right hon J.
Plumptre, J. P.
Polhill, F.
Powell, Colonel
Praed, Winthrop M.
Price, Sir R.
Price, R.
Pringle, A.
Pusey, P.
Reid, Sir J.
Rice, right hon. T. S.
Richards, Richard
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Rose, right hon. Sir G.
Round, J.
Rushbrook, R.
Rushout, G.
Russell, Lord J.
St. Paul, H.
Sanderson, R.
Sandon, Visct.
Scarlett, hon. J.
Scarlett, hon. R.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Slaney, R. A.
Smith, A.
Smith, hon. D.
Somerset, Lord G.
Spencer, hon. F.
Stanley, E.
Stewart, J.
Stuart, H.
Strangways, hon. J.
Sturt, H. C.
Sugden, rt. hn. Sir E.
Surrey, Earl of
Talbot, C. R.
Tollemache, F.
Townley, R. G.
Trench, Sir F.
Turner, E.
Vere, Sir C. B.

Verner, Col.
Villiers, Lord
Vivian, J. E.
Wall, C. B.
Welby, G. E.
Westenra, H. R.
Wilberforce, William
Wilbraham, G.
Wilbraham, B.
Wilkins, W.
Williams, R.
Wilshere, W. E.
Wodehouse, E.
Wood, C.
Wood, G. W.
Wood, T.
Wrightson, W. B.
Wynn, C. W.
York, hon. E.
Young, G. F.
Young, J.
Young, Sir W.

TELLERS.
Seymour, Lord
Smith, R. V.

HOUSE OF LORDS

Friday, February 16, 1838.

MINUTES.] Petitions presented By Lord SEGRAVE, from the Guardians of an Union in Gloucestershire, for the Amendment on the Beer-licensing Acts; and from Holford, for the immediate abolition of Negro Slavery.—By the Earl of RADNOR, from Richmond, Yorkshire, and from the city of York, for the Vote by Ballot.—By Lord BROUGHAM, from Holbeck, Shrewsbury, Kilmarnock, and Braintree, for an extension of the Suffrage; from Reddington and Gateshead, for a system of National Education; from Breckon, and the Gorbals, against additional endowments for the Scotch Church; from Dundee, for an alteration in the constitution of the Sheriffs' Courts (Scotland); from Montross, to deprive the King of Hanover of his allowance; from Gisburn, for a revision of the Criminal Law; from Cirencester and Walsall, against the system of Negro Apprenticeship; from Ardrossan, for the protection of the Elective Franchise, and a system of National Education; from the Procurators of Cupar, against any law for the regulations of their practice; from Bradford, and Stafford, for a reduction of Postage; from the Poplar Institution, from Berwick-on-Tweed, Leicester, and Gateshead, in favour of National Education; from Dumbarton, and Glasgow, for a repeal of the Corn-laws; and from Braintree, Lambeth, and Buckington, against compulsory measures towards the Canadians.

THE VOTE BY BALLOT.] Lord *Brougham* presented a petition from Wigan, praying for an extension of the Suffrage, the shortening of Parliament, and Vote by Ballot. This petition, with many which he presented last night, related to a subject which he perceived, by the votes of Parliament, had occupied the attention of the other branch of the Legislature, and though, knowing their Lordships as he did, he might be disposed to congratulate them on the division, which carried, no doubt, what appeared to them to be a proper vote, by a majority of 117, yet he was afraid, and he felt bound to say it, that another such victory would be their Lordships' ruin. The motion for the ballot had been supported by 198, exclusive of the two tellers, which was an addition of about one-fifth to the whole number of those who had supported the motion on the last occasion; and he must say that, unless their Lordships made up their minds either to this measure or some measure of the sort for the protection of electors, it appeared likely to be carried against them. The time appeared to him to be come when something must be done. At all events, there was a large proportion, even with the interest of Government against it, of the constituency in favour of some more effectual protection to be given to the voter in the exercise of his elective franchise; and he knew it was equally so in Scotland. If, therefore, some effective protection was not given, it would be a solitary case within his experience of a great measure, in which the public interest was excited to a great degree, going on from year to year increasing, until at last it reached the climax of a large number of the constituents and their representatives marshalling themselves in combination in favour of a measure—it would, he repeated, be the solitary instance, either in his experience, or, as far as he knew, in history, if such a measure, so increasing in favour with the people and their Representatives, did not sooner or later become law. The sooner, therefore, their Lordships made up their minds to some such measure as this the better it would be for them.

Lord *Wharncliffe* could not help calling the attention of their Lordships to the fact, that when the Reform Bill was discussed one of the objections made by his side of the House was, that if the measure passed it was quite impossible that the question could there stand, but that it must inevitably lead to the enactment of vote by ballot and an extension of the suffrage. Now, if the noble and learned Lord was correct in what he had just stated, it would appear that their view of the matter was likely to be realised, and that, instead of being able to boast of having passed a final measure of reform, the parties who originally raised the question would now have to fight the battle against the enactment of these two supplemental measures. He confessed, however, he did not view the recent discussion in the other House with any degree of fear. On the contrary, he felt much gratified with what had occurred, for he perceived by the debates that the Ministers of the Crown in the House of Commons had taken the part he conceived they ought to take. At the same time, it was quite true that if they were to have the vote by ballot, it would be impossible to do without considerable extension of the suffrage, for it would be absurd to suppose that the non-electing body would allow the suffrage to be placed in the hands of persons who were utterly irresponsible. Therefore, if it were true that the question of the vote by ballot was much advanced by the decision of the House of Commons last night, it was quite clear, and the people of England ought fully to understand it, that the question of an extension of suffrage had been equally advanced.

Lord *Brougham* said, that nothing had been further from his intention than to impute fear to the noble Baron. Fear was not in the nature of the noble Baron's life; but he did think that he must feel some little alarm at the result of last night's proceedings in the other House. As for himself, he felt no alarm whatever at the observations just made by the noble Baron, for he was of a decided opinion that giving the vote by ballot, without at the same time extending the suffrage, would prove, so far from beneficial, most detrimental to Parliamentary Reform.

Petition laid on the table.

HOUSE OF COMMONS,

Friday, February 16, 1838.

Minutes.] Petitions presented. By Mr. Thornely, from Liverpool, for the Ballot, and Household Suffrage.—By Mr. Heathcote, from a place in Lincolnshire, in favour of the Rating of Tenements Bill.—By Mr. Baines, from a place in Somersetshire, for the abolition of Negro Apprenticeship; from the Medical Practitioners of Leeds, to prohibit persons not duly licensed acting in a Medical capacity.—By Mr. Greene, from Lancaster, against the Borough Boundaries Bill.—By Mr. G. Berkeley, from Colford, for the abolition of Negro Apprenticeship.—By Mr. Johnstone, from the Presbytery of Edinburgh, for the means of Religious Instruction.—By Mr. Ellice, from Coventry, in favour of a National system of Education; for more expeditious communications by Post; and against the Municipal Boundaries Bill.—By Lord W. Bentinck, from the Chamber of Commerce, Glasgow, for a reduction of duties on Marine Insurances.—By Mr. Wilbraham, from Cheshire, for a total repeal of the Poor-law Amendment Act.—By Sir R. Inglis, for the continuance of a Bishop of Sodor and Man.—By Mr. Lowther, from Runcorn, and other places, for Out-door Relief.—By Mr. W. Stanley, from Caernarvon, for protection to the Elective Franchise.—By Mr. Dennistoun, from Glasgow, for a repeal of the Corn-laws.—By Lord Worsley, from Lincolnshire, and from the Isle of Wight, praying for Vote by Ballot.—By Mr. Grattan, from a place in Ireland, for the abolition of Tithes.—By Mr. S. O'Brien, from places in Ireland, for Negro Emancipation; for the abolition of Tithe; for Municipal Reform; and Vote by Ballot.—By Mr. Erle, from Oxford, for the Ballot.—By Mr. Hume, from the Mechanics' Institution, Uxbridge, for an Extension of the Suffrage; and from parishes in Kilkenny, for Municipal Reform.—By Sir R. Peel, from the Ministers and Elders of the Presbytery of Glasgow, for an extension of Church Accommodation.

House of Lords.] Mr. *Grote* had a petition to present from Merthyr Tydvil, signed by nearly 3,800 individuals. The petitioners prayed for universal suffrage, the abolition of the property qualification, vote by ballot, short Parliaments, and an elective House of Lords.

Viscount *Dungannon* objected to the petition being received. The petitioners prayed for an elective House of Lords, which he conceived was irregular. He moved that the petition be read.

The petition was accordingly read.

Viscount *Dungannon* put it to the chair whether such a petition could be laid on the table. The petitioners prayed that the House of Lords might be made elective, and the acceptance of the petition would be an improper interference with the other House of Parliament.

The *Speaker* did not think, that in strictness the petition could be refused. The House had allowed a discussion to take place last Session in regard to reforms in the House of Lords, and that discussion having been permitted, he did not think the petition could consistently be refused.

Mr. *O'Connell* reminded the noble Lord, that the Irish peers had been made elective. The noble Lord was an interested party, and ought to have been the last person to start the objection he had raised, as but for the Union he would have been an hereditary peer of Ireland.

Viscount *Dungannon* said, two years ago a petition had been offered praying for the exclusion of the Bishops from the House of Lords. To that petition he had called the attention of the chair, and the right hon. Gentleman had decided that it ought not to be received. He felt it his duty to recal that circumstance to the recollection of the right hon. the Speaker, as he thought the first decision ought to decide the fate of the present petition.

The *Speaker* had no recollection of the circumstance to which the noble Lord had alluded. He had simply stated his own impression in regard to the matter, and it was for the House to decide whether the petition ought or ought not to be received.

The *Chancellor of the Exchequer* said, no one could be more opposed to the prayer of the petition than he was, but he could see no objection to its being received. Suppose a petition were presented to the House of Lords, praying for a reform of the House of Commons, or to exclude any person from the House who was perfectly qualified to sit there, and who was duly elected, he did not think such a prayer should cause the rejection of the petition. He was of opinion, that however much the prayer of the petition might be at variance with the views of hon. Members, still, as there was nothing disrespectful in the language, it ought to be allowed to be laid upon the table.

Sir *R. Inglis* said, if the prayer had been, not for an elective House of Peers, but for an elective Sovereign, would the hon. and learned Member for Dublin, he would ask, contend that the petition ought to be received? He could not believe the hon. Member would. If the House were to tolerate petitions in which parties demanded an elective House of Lords, he saw no reason why others should not be presented asking for an elective Sovereign.

Mr. *O'Connell* had not alluded to England. His remarks had had reference solely to Ireland, where the peers were elective, and where, but for the Union, the noble Lord who had raised the objection would have an hereditary seat in an Irish House of Lords.

Mr. *Grote* observed, that from what had been said on the other side of the House, it might be supposed that this was the first petition with a prayer having reference to the constitution of the House of Lords which had ever been offered in that House. Such, however, was by no means the case, as many similar petitions had been presented.

Petition laid on the table.

Poor-Laws (Ireland).] The *Chancellor of the Exchequer* in moving the Order of the Day for going into Committee on the Irish Poor-law Bill, wished to ask the hon. Member for Monaghan to postpone his motion for an instruction to the Committee to introduce a provision for settlement. He thought, according to the rule of the House, the hon. Member had not the power to raise, by way of instruction to the Committee, any question of the kind before going into Committee. If this question might be entertained now, it was quite clear that they might add to it a discussion on the principle of the bill, and on all the separate clauses. He believed that the authority of the Speaker in more than one case was against the course proposed to be pursued by the hon. Gentleman.

Mr. *Lucas* said, it was by no means his wish to do anything contrary to the past practice of the House, or to take precedence against the convenience of any hon. Member who was entitled to address the House first. His reason for moving this question in the form of an instruction to the Committee was, that when the House went into Committee on the English Poor-law Bill, they found themselves entangled at every step by this very question, and therefore he had proposed, for the sake of promoting the convenience of the House, that it should be discussed as a preliminary measure. He was in the hands of the House, but he thought he should be allowed to proceed with his motion.

Mr. *F. French* was of opinion, the question as to the law of settlement, proposed to be raised by the hon. Member for Monaghan ought to be decided and disposed of before the bill was proceeded with in Committee.

Mr. *O'Connell* observed, that at present there was no settlement clause of any kind in the bill. Now, settlements might either be in unions, or local, or in townlands, or parochial, or national. Any of these would come within the meaning of the bill. It seemed to him, therefore, it would be best not only to decide whether or not there should be any law of settlement embodied in the bill, but also that a particular and specific law of settlement should be determined upon.

Sir *E. Sugden* concurred in the view suggested by the hon. and learned Member for Dublin. Until the question of settlement was decided, it was impossible to say what the bill would be. If the House should determine there should be a law of settlement, then he, for one, should give a right to relief; if not, he should support the bill as it now stood.

Sir *R. Peel* thought, that the question of settlement involved so important a principle, that it ought to be discussed in a different manner from that in which discussions were usually carried on in Committee, but, at the same time he doubted whether by taking it otherwise than in Committee, there would not be great difficulty in pronouncing an opinion that there should be any law of settlement until the details of that law and the mode in which it was to be executed were known. Now, in Committee it would be possible to afford an explanation of those details from his hon. Friend, the Member for Monaghan, than whom no man was more able to discuss this question. He therefore thought, that it would be not only more in accordance with the rules of the House, but would be manifestly more advantageous, to have the discussion in Committee.

Mr. *Lucas*, to meet the convenience of the House, would raise the discussion of the law of settlement in the Committee.

Mr. *T. Attwood* said, before the House went into Committee, he wished to say a few words upon the bill. He was as friendly to Poor-laws as any man, but he could regard this measure only as cruel to the paupers, unjust to the tenantry, and as a delusion on the people of Ireland. He denied that Ireland was too poor for Poor-laws, for he was of opinion that the Irish nobility and gentry, who now spent their wealth in foreign countries, could easily maintain their poor as paupers or as labourers. He would take the liberty of suggesting two or three measures which he thought would really be useful to the Irish people. The first was the abolition of the unjust standard of value which now pressed with so cruel and so fraudulent a hand upon the Irish tenantry. Then, another measure he would recommend was, to arrest the arbitrary power of the land-owners, over the land, the arbitrary and tyrannical powers exercised by the Irish landlords over their tenantry, and he would take possession of every acre of uncultivated land in Ireland in all cases where the owner refused to bring it into cultivation. This had been done in France, and there would be no difficulty in doing the same most beneficially in Ireland, if the Legislature would only do justice to the people, as against the selfish and sordid feelings of the aristocracy of Ireland. These, together with the reclamation of land by the drainage of bogs to be sold to the labourers at a seven years' credit, would make them in the end, happy, prosperous, and independent proprietors, and would change the whole face of Ireland, agricultural, political, and social. Then, after having established a just currency, a just tenure of lands, and the means of locating by the reclamation of land, a million of families, it would be right, with great propriety, to introduce into Ireland, just, efficient benevolent, and humane Poor-laws. There was one other suggestion, and only one other, which he had to offer. A few years ago, he had voted away 20,000,000*l.* for the emancipation of the negroes, of whom there were but 800,000. Now, he would be ready to vote another 20,000,000*l.* for the negroes of Ireland, who were ten times worse off, ten times more wretched, than the negroes of Jamaica; and, if necessary he would even consent to a vote of 100,000,000*l.* It would be only an additional 20,000,000*l.* to the debt. The man would be wild and fit for Bedlam who thought of paying the 800,000,000*l.* in standard gold. Why not, then, go on, and even make it 1,600,000,000*l.* were it necessary to relieve the whites—he would not call them the white negroes, because that would be too Irish, but the white slaves of Ireland? Let them be generous and give 5*l.* to one Irish labourer, 20*l.* to another and 50*l.* to a third. If they would lend 20,000,000*l.* to the Irish people, he had no doubt that it would be a considerable relief. He threw out these humble suggestions the result of much reflection, for the consideration of the House. He was sure that the hon. and learned Member for Dublin, would not deny that his propositions would, if carried into effect, work much good for the people of Ireland. He would not deny that an alteration in the currency would benefit the Irish people, or that the draining of the bogs, the establishment of the Jersey tenure of land, a just Poor-law, and the loan of 20,000,000*l.*, would materially better their condition. In the space of five years, these measures would effect a great and most desirable change in the present and permanent state of Ireland, both in a moral, a social, and a political point of view.

The House went into Committee.

On the 16th clause, relating to the dissolution and alteration of unions,

Mr. *O'Connell* proposed to insert, "that it shall be lawful for the Commissioners from time to time, as they may think fit, with the assent of the major part of the guardians, for the time being, to declare any such union to be dissolved, or any townland or townlands to be added to or separated from any such union."

Mr. *P. Scrope* objected to the amendment suggested by the hon. and learned Gentleman, on the ground that great inconvenience had been experienced in England in consequence of such a restriction being imposed on the Commissioners, Mr. *O'Connell* observed, he had no doubt that the Poor-law Commissioners thought that any authority possessed by any other persons than themselves was not rightly vested. But although he imagined that they were not afflicted with any overpowering sense of diffidence or overweaning modesty, it was just possible that they might conceive themselves not to be infallible, and he thought that they would be more likely to give satisfaction if their decisions were ratified by the authority of the board of guardians.

Viscount *Howick* thought, the hon. and learned Gentleman was not just towards the Commissioners, in supposing that they desired to claim for themselves any superiority. An instance had been afforded in the working of the English Poor-law Bill of the inconvenience arising from the power vested in the board of guardians to control or neutralise the determination of the Commissioners in respect to the formation or alteration of the unions. The case was this:—At the time that a certain union was formed, some three or four small parishes would have been included in it by the Commissioners, had not some strong objections been urged against it by the owners of the property in those parishes. In consequence of those objections, the parishes were (contrary to the judgment of the Commissioners) included in another union. At a subsequent period, the inhabitants of those particular parishes, and the owners of the property in them, changed their minds, and were desirous of being included in the union to which the Commissioners, in the first instance, were about to connect them, and would have done so if no objection had been raised. Upon this change of opinion being signified, the Commissioners were about to alter the constitution of the two unions, by taking from the one the three or four parishes which had been improperly included in it, and joining them to the other with which they ought at first to have been united. But the guardians of the union to which these parishes now belonged objected, and the consequence was, that the alteration could not take place. The ground of the objection by the guardians was, that those particular parishes contributed towards the general expense of the union, and if they were to be taken away a greater portion of the expense would devolve on the remaining parishes constituting that union, so that, for the sake of a trifling extra expense, this improvement was resisted by the guardians.

Viscount *Clements* thought, that the Commissioners might be desirous to give a greater permanence to the unions than they ought to have. Unions might be formed most conveniently for all parties at the present time, but which twenty years hence might be found to be very inconvenient. He was anxious, therefore, that the power of the Commissioners in this respect should be limited. He had no objection to giving full powers to the Commissioners in cases in which they acted judicially between party and party, but he was opposed to giving them power to act independently of other parties.

Mr. *F. French* thought, that the case stated by the noble Lord below him (Lord Howick) was no answer to the amendment proposed by Mr. O'Connell. According to the noble Lord's statement, the union which included the three or four parishes that were considered to have been improperly made a portion of that union was obliged, in consequence of those parishes being so included, to build a larger workhouse than would otherwise have been necessary. There was nothing unreasonable, therefore, in the board of guardians objecting to those parishes being taken from the union. They were justified in saying to the Commissioners, "True it is you, in the first instance, did wrong in joining those parishes with us, but since you have done so an extra expense has been occasioned by it, and, therefore, although we think you were originally wrong, yet we are not now disposed to allow those parishes, to be taken out of the union, and thus impose on the other parishes a proportionally greater burthen."

Mr. *J. Grattan* did not see any force in the argument of his hon. Friend in reference to the present measure. There was no analogy between the law as applying to England and as applying to Ireland. In England, the Poor-law unions were formed of several small parishes, and the union of these parishes might be more or less convenient, according to circumstances; but in Ireland, the unions, as they were called, would consist of districts into which the whole of Ireland was to be divided. It would behove the Commissioners to be cautious how they formed these districts, but having once formed them, he hoped they would be considered final.

Mr. *W. S. O'Brien* was of opinion, that the guardians ought to have a voice before any alteration was allowed to be made by the Commissioners in unions that have been already established.

Sir *Edward Sugden* could not vote for the amendment, because he did not know in what way it would operate. He was favourable to some restriction being imposed on the Commissioners; and what he conceived would be the better course was, that the proposition of the Commissioners should be referred to the board of guardians, who should have the power of negativing it.

Sir *R. Ferguson* believed, that the best source of information which could be offered to guide the Commissioners in their decision would be found to emanate from the guardians, to whom some control over the unions ought to be confided.

Sir *W. Somerville* concurred in the opinion expressed by the hon. and learned Member for Dublin, and would support his amendment. He thought it desirable to conciliate the people of Ireland as much as possible by means of this measure, and could see nothing unreasonable in allowing the board of guardians to possess this control.

Viscount *Morpeth* said, that although the evidence laid before him was strongly in favour of the clause as it stood, yet so strong an opinion had been expressed by many of the Irish Members, he was not indisposed to consent to an amendment like that of the hon. Member for Dublin.

Agreed to.

Upon Clause 18, providing for the division of the unions into electoral districts for the election of guardians,

Mr. *Goulburn* observed, that he found considerable difficulty in acquiescing in this clause, which would enable the Commissioners to make a new division of the country, abolishing the existing and well-known divisions. It would, besides, impose an immense additional labour on the Poor-law Commissioners.

The *Chancellor of the Exchequer* said, that the clause merely gave the Commissioners the power of making these new subdivisions in the event of their being found necessary, relation being always had to the existing divisions, where they could be ascertained without difficulty. The same plan had been adopted with advantage in his own county (Limerick) with regard to the distribution of petit sessions.

Mr. *O'Connell* found the claim liable to the same objection which he had taken to Clause 16, and proposed amending it in a similar manner by inserting the words—"with the consent of the majority of the guardians."

Viscount *Morpeth* supported the clause as it stood. The former clause was for an extension or alteration of the unions; the present clause was merely for arranging the election of the guardians within each.

The Committee divided on the amendment:—Ayes 47; Noes 84: Majority 37.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Attwood, T.
Beamish, F. B.
Bellew, R. M.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Brotherton, J.
Butler, hon. Colonel
Chapman, Sir M. L. C.
Chester, H.
Clements, Viscount
Corry, hon. H.
Curry, W.
Darby, G.
Easthope, J.
Farnham, E. B.
Fitzsimon, N.
Grattan, H.
Grimsditch, T.
Hawkes, T.
Hayes, Sir E.
Hindley, C.
Hollond, R.
Hume, J.
Jephson, C. D. O.
Jones, W.
Kemble, H.
Logan, H.
Master, T. W. C.
Maxwell, H.
Moneypenny, T. G.
Nagle, Sir R.
O'Conor, Don
Power, J.
Redington, T. N.
Rolleston, L.
Scholefield, J.
Somerville, Sir W. M.
Vigors, N. A.
Vivian, J. E.
Wakley, T.
Westenra, hon. H. R.
Yates, J. A.
Young, J.

TELLERS.

O'Connell, D.
O'Brien, W. S.

List of the NOES.

Acland, T. D.
Adare, Viscount
Bagge, W.
Bailey, J.
Baker, E.
Barnard, E. G.
Barrington, Viscount
Barron, H. W.
Barry, G. S.
Bateman, J.
Bentinck, Lord G.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Briscoe, J. I.
Buller, C.
Busfield, W.
Campbell, Sir J.
Cave, R. O.
Chalmers, P.
Chetwynd, Major
Chute, W. L. W.
Cole, hon. A. H.
Cole, Lord Viscount
Conolly, E.
Ellis, J.
Erle, W.
Fergusson, rt. hon. C.
Forbes, W.
French, F.
Gordon, R.
Goulburn, rt. hon. H.
Grattan, J.
Grosvenor, Lord R.
Hodges, T. L.

Hodgson, R.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hutton, R.
Irving, J.
Knatchbull, rt. hon. Sir E.
Knight, H. G.
Lister, E. C.
Litton, E.
Macleod, R.
Marsland, H.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Northland, Viscount
Packe, C. W.
Parker, J.
Parnell, rt. hon. Sir H.
Parrott, J.
Pease, J.
Perceval, Colonel
Ponsonby, hon. J.
Pryme, G.
Pusey, P.
Round, C. G.
Rundle, J.
Scarlett, hon. R.
Scrope, G. P.
Shaw, rt. hon. F.
Sheppard, T.
Smith, R. V.
Stuart, V.
Strickland, Sir G.
Style, Sir C.
Sugden, rt. hon. Sir E.
Talbot, C. R. M.
Thomson, rt. hon. C.P.
Thompson, Ald.
Thornhill, G.
Turner, E.
Villiers, C. P.
White, A.
Williams, T. P.
Winnington, T. E.
Wodehouse, E.
Wood, G.
Wrightson, W. B.

TELLERS.

Ferguson, Sir R.
Solicitor-General, the

Clause agreed to.

On Clause 19,

Mr. *O'Connell* moved the omission of the proviso, that no person being in holy orders, or being a regular minister of any religious denomination, should be eligible as a guardian. In the English Act, there was no such proviso as this, which was founded upon a total ignorance of the state of Ireland. It was not at all an untried question, for in all charitable institutions in Ireland, and there were many of them, particularly in Dublin, clergymen of every denomination had met as guardians and directors without giving rise to the slightest jealousy or dissension, or exciting the least rivalry, unless it might be to see which of them acted most consistently with their sacred calling. He therefore, moved the omission of this proviso, as he conceived it to be a stigma upon the clergy of Ireland.

Mr. *Lucas* could not agree with the hon. and learned Gentleman, that this proviso, in any manner, cast a stigma upon the clergy of Ireland. There was, no doubt, that clergymen of all persuasions were in the habit of meeting on terms of the most perfect unanimity where charity was the object. That he readily admitted, and it was not through the fear of any change in that respect that he opposed the hon. and learned Gentleman's amendment, but because he did not think that clergymen, consistently with their clerical duties, could attend to those of guardian, which were extremely burthensome, and occupied a great deal of time; so much indeed, that it was deemed necessary to make a provision in the bill then before the House for paying guardians, in case a sufficiency of persons could not be found willing to become guardians gratuitously. There was a great complaint already amongst clergymen of the Established Church, that they could not find time for the instruction of children of their own persuasion, in consequence of their other duties being so burthensome. He was inclined to think that the clergy of every other persuasion in Ireland were similarly circumstanced, that was to say, that although they could occasionally devote a portion of their time to purposes of charity, they could not undertake to attend to the heavy duties connected with the guardianship of the poor.

Colonel *Conolly* opposed the amendment. He was averse to the interference of clergymen in other than spiritual concerns, and would not besides, in reference to this measure, run the risk of having any difference of opinion between clergymen of different persuasions acting in the capacity of guardians.

Mr. *D. O'Conor* was understood to support the amendment, which he would not do if he conceived it would have the effect of creating any hostile divisions.

Mr. *Shaw* readily bore testimony to the perfect unanimity which prevailed in Ireland amongst all classes of the clergy, when charity and benevolence were to be practised, but at the same time concurred in the objection urged by the hon. Member for Monaghan, against the omission of this proviso. But that was not his (Mr. Shaw's) greatest objection. He felt that there was a system of elections connected with this Bill which might give rise to bickerings, and hostilities, and party feelings, from which clergymen could not be too remote. He moreover coincided in the opinion of, he believed, Mr. Senior, that there would be a jealousy excited on the part of the Irish landlords if their property was to be taxed by clergymen of a different persuasion from themselves, and a feeling that there was a hostility against them and in favour of the poorer classes. The opinion to which he referred was, as well as he recollected, that if relief were given to the able-bodied in Ireland, it would come in the end to the doling out of the property of the

Protestant gentry by the Catholic priesthood. He did not mean to say, that that opinion was correct, but he wished to avoid the possibility of such a thing being even imagined.

Sir *M. L. Chapman* said, that he knew the sentiments of the clergy pretty generally upon this subject, and he took upon himself to say, that they were, as might naturally be expected, fully alive to the odium of resisting those applications for relief, to which, if they filled the office of guardians of the poor they must necessarily be open. He thought the proper position of the clergy to be that of the advocates of the poor before the board of guardians; that they, not being members of that body, should, when fitting occasions presented themselves, make strong representations and remonstrances on behalf of any poor in their respective neighbourhoods who might have just cause of complaint.

Mr. *Goulburn* said, he should support the clause, considering that it would be much better for the clergy to keep free from the responsibilities which necessarily attached to those duties that guardians of the poor had to perform. He acted upon that principle as regarded his own Church, and he certainly thought he had a right to do so as regarded every other.

Viscount *Morpeth* thought, there was a very general feeling of repugnance entertained towards any plan that would include clergy of any denomination in the board of guardians, but he likewise thought, that that repugnance did not exist amongst themselves, on the contrary, was prevalent chiefly amongst the laity. He did not, however, overlook the fact, that the clergy had in Ireland frequently acted together with perfect concord in promoting objects of charity; but the House, he had no doubt, would see a wide distinction between relief that was compulsory and perpetual, and that which was merely voluntary and occasional. He requested the Committee to recollect, that the board of guardians would have the power of appointing a chaplain to the workhouse, and he thought, that that of itself formed a sufficient objection to there being clerical Members on the board. It was his opinion that the clergy should neither be members nor agents of the board, but mediators between them and the poor.

Mr. *Shaw* said, that he had had communications with several of the clergy of the Church upon this subject, and no doubt some of them were jealous at being excluded. He frankly told them, that there was no just ground for such a feeling, and his opinion was quite against their being guardians.

Mr. *O'Connell* observed, that there was nothing in the Bill which went to compel the clergy to accept the office of guardians. If the proposed alteration were effected in this clause, the clergy might, if elected, take the office or not.

Mr. *Poulett Thomson* expressed his belief, that the proviso contained an enactment which was most useful, and that it ought not to be expunged from the Bill. The rendering clergymen eligible to act as guardians, independently of all other considerations, would produce agitation and feuds among them at the elections not at all consistent with their duties and the character of their office.

Mr. *Wyse* suggested, if the elegibility of clergymen should be admitted, there might be a certain number (one or two) connected with each denomination, *ex officio* members of the board, to serve as the organs of communication between their flocks on the one side, and the country and representatives of the people on the other. He objected, however to the amendment of the hon. and learned Gentleman, and would much rather support the proviso as it stood in the Bill.

Sir *F. Trench* thought, there was a wide difference between calling on the clergy to act in the administration of charity and the imposition of a tax. As the latter was the case contemplated by the amendment of the hon. and learned Gentleman, he should object to placing them in so invidious a situation.

The Committee divided on the clause:—Ayes 107; Noes 30: Majority 77.

List of the AYES.

Acland, T. D.
Adare, Viscount
Aglionby, H. A.
Bagge, W.
Baker, E.
Barnard, E. G.
Barron, H. W.
Bateman, J.
Beamish, F. B.
Bennett, J.
Berkeley, hon. H.
Bewes, T.
Blake, M. J.
Blake, W. J.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Bruges, W. H. L.
Busfield, W.
Campbell, Sir J.
Chapman, Sir M.C.L.
Chute, W. L. W.
Clements, Viscount
Cole, hon. A. H.
Cole, Viscount
Conolly, E.
Corry, hon. H.

Cripps, J.
Crompton, S.
Curry, W.
Darby, G.
Davies, Colonel
Douglas, Sir C. E.
Ellis, J.
Fergusson, rt. hon. C.
Finch, F.
Forbes, W.
Goulburn, rt. hon. H.
Grattan, J.
Greenaway, C.
Grimsditch, T.
Harland, W. C.
Hawkes, T.
Hayes, Sir E.
Hodges, T. L.
Hodgson, R.
Hollond, R.
Houstoun, G.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hutton, R.
Jephson, C. D. O.
Jones, T.
Kemble, H.
Knatchbull, hn. Sir E.
Knight, H. G.
Lister, E. C.
Litton, E.
Lockhart, A. M.
Lucas, E.
Manners, Lord C. S.
Marshall, W.
Master, W. C.
Maxwell, H.
Monypenny, T. G.
Morpeth, Viscount
Morris, D.
Murray, rt. hon. J. A.
Northland, Viscount
Parnell, rt. hn. Sir H.
Parrott, J.
Perceval, Colonel
Philips, G. R.
Pryme, G.
Pusey, P.
Rice, E. R.
Rickford, W.
Round, C. G.
Rundle, J.
Scarlett, hon. R.
Scrope, G. P.
Seale, Colonel
Shaw, right hon. F.
Shirley, E. J.
Stuart, V.
Strutt, E.
Sugden, rt. hn. Sir E.
Thomson, rt. hn. C. P.
Thornley, T.
Trench, Sir F.
Turner, E.
Turner, W.
Villiers, C. P.
Vivian, J. E.
Wakley, T.
Walker, C. A.
White, L.
Wilberforce, W.
Wilshere, W.
Winnington, T. E.
Wood, G. W.
Woulfe, Serjeant
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.

Parker, J.
Solicitor-General, the

List of the Noes.

Archbold, R.
Barry, G. S.
Bodkin, J. J.
Brabazon, Sir W.
Bridgeman, H.
Browne, R. D.
Butler, hon. Colonel
Chester, H.
Erle, W.
Ferguson, Sir R. A.
Fitzsimon, N.
Gibson, J.
Grattan, H.
Hindley, C.
Maher, J.
Nagle, Sir R.
O'Brien, W. S.
O'Conor, Don
Power, J.
Roche, W.
Somers, J. P.
Somerville, Sir W. M.
Stewart, J.
Style, Sir C.
Talbot, J. H.
Vigors, N. A.
Westenra, hon. H. R.
Westenra, hon. J. C.
Wood, Sir M.
Yates, J. A.

TELLERS.

O'Connell, D.
Bellew, R. M.

Clause agreed to.

On the 23rd clause, which provided for the appointment of *ex officio* guardians,

Mr. *S. O'Brien* proposed, that after the words, "Be it enacted that every justice of the peace residing in such union, and acting for the county in which he so resides," there should be added these words, "and possessing or occupying property rated to the poor-rate of the union at a net annual value of not less than 50*l.* a-year.

Mr. *O'Connell* was opposed to the amendment, because he objected to the appointment of *ex officio* guardians altogether.

Mr. *Shaw* also objected to the amendment, as it would exclude the eldest sons of the richest land proprietors in the union from being eligible to the office of guardian. He thought that there would be sufficient difficulty in finding guardians to the poor in Ireland under the present provisions of the Bill, and there was no valid reason for increasing them.

Amendment withdrawn.

Mr. *O'Connell* meant to oppose the whole clause, and he felt it his imperative duty to take the sense of the House upon it. He objected to the principle of the clause—he objected to magistrates being *ex officio* guardians. He wished to disparage the magistracy of Ireland as little as possible; but he must say, that he could see no valid reason for making them *ex officio* guardians. He would not refer to their political feelings, because he knew a great many magistrates who were high Tories, or rather Conservatives, who were men of high honour and integrity; but to appoint magistrates generally as guardians would lead to great irritation, and would lead to agrarian aggressions, which would be anything but wise. He was, therefore, afraid to keep the clause in the Bill, of which he now moved the omission. If magistrates were deserving, they would be sure to be elected by the rate-payers members of the boards of guardians.

Colonel *Conolly* was of opinion that the clause ought to be retained. There were many gentlemen in the commission who were the agents of absentee landlords, who managed property that would be assessed, and who, from their local knowledge and high character, would be most efficient members of the board of guardians.

Mr. *Jephson* said, that the omission of the clause would, in effect, be a general disparagement of the characters of the magistracy. He thought the clause one of the most beneficial parts of the Bill. The hon. and learned Member for Dublin said, that if magistrates were deserving they would be sure to be elected; but he was satisfied, from the state of party feeling and prejudice in Ireland, that good magistrates would not be elected, because none would be so elected unless they consented to canvass for the office.

Mr. *O'Connell* observed, that the hon. Gentleman who had just sat down, had said, that the magistrates of Ireland were good and bad; therefore this clause would be productive of bad as well as good. The hon. Gentleman had not pointed out the proportions, whether the good or the bad preponderated. But on the hon. Gentleman's own showing, the clause ought not to be adopted. If *ex officio* guardians were to be appointed, there might just as well be no election at all. Election would be mockery under such circumstances.

Viscount *Morpeth* could not agree to the proposition for omitting the clause. He would not enter into a discussion of the character of the magistracy of Ireland, because this was not the fit opportunity for doing so; but no doubt in this, as in every other class, there were some good and some bad. He trusted, however, that the good preponderated, and a great portion of them were well-calculated to judge and determine for the good of all parties. In England, any county magistrate was *ex officio* a member of the boards of guardians; but this Bill proposed to enact that only one-fourth of a board of guardians should consist of *ex officio* members.

Mr. *Shaw* contended, that if a gentleman was fit to remain in the commission of the peace, he must, at least, be equally qualified to act as a member of the board of guardians under a poor-law bill. It was too much the practice in that House to make attacks on the magistracy of Ireland, but there could not be a more respectable body.

Mr. *Jervis* gave Ministers credit for wishing to assimilate the present Bill to that of England; but looking to what had taken place in this country, he was of opinion that magistrates ought not to be *ex officio* members of boards of guardians. It was consistent with his knowledge, that in several instances, magistrates had held up the Poor-law Act to reprobation. If Ministers dared him to bring a case forward, he could do so. Magistrates would never attend unless a job was to be perpetrated.

Viscount *Howick* did not know what the case was to which the hon. Member for Chester had alluded, all he had said was, that he could bring forward an instance of such conduct on the part of a magistrate, and he could not prove a negative to a general charge of that kind. From his own experience, however, and that of almost any gentleman with whom he had spoken on the working of the Poor-law Bill, his opinion was in direct opposition to the assertion of the hon. Member for Chester, and he thought the clause in the English Bill, which made magistrates *ex officio* guardians, was the most useful part of it. In the debate in the House of Lords, he recollected that it was urged with great effect, that the greatest possible good would result from bringing the magistrates and farmers to act together as members of the boards of guardians.

Mr. *Hume* was of opinion, that the Government had done right by limiting the number, because, in doing so, they had limited the evil. But he must ask, if the appointment of magistrates was the best part of the Bill, why the number was limited? He was of opinion that the guardians should all be elected, and, therefore, he should vote for the omission of the clause.

Mr. *J. Grattan* said, there were 100 magistrates or thereabouts in each county in Ireland, and he supposed it to be intended that there should be four unions in each county. His apprehension therefore was, that the *ex officio* members would control the elected members of the boards.

Sir *E. Sugden* thought, it was absolutely necessary that the beginning of this experiment should be committed to the administration of competent persons. He did not deny that the elective guardians would be competent persons, but it was more likely that the magistrates should be found to be possessed of that character. If the contrary was shown to be the case when the Bill came into operation, then they must alter this provision of it. In an experiment of such magnitude as this, it could not but happen that alterations would be found necessary. As from the duties of a situation he had the honour to fill, he possessed some knowledge of the magistracy of Ireland, and as having no inclination or interest to speak of them otherwise than as they existed, he must say he had heard with pleasure the mitigated tone in which the hon. and learned Member for Dublin had alluded to a body to which he now himself belonged. He should vote for the clause as it stood.

The Committee divided on the clause:—Ayes 124; Noes 44: Majority 80.

List of the Ayes.

Acland, T. D.
Adare, Viscount
Alexander, Viscount
Bagge, W.
Bailey, J.
Barneby, J.
Barron, H. W.
Bateman, J.
Benett, J.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. G.
Blair, J.
Blake, W. J.
Borthwick, P.
Bowes, J.
Briscoe, J. I.
Brocklehurst, J.
Bruges, W. H. L.
Buller, Sir J. Y.
Burr, H.
Busfield, W.
Cantilupe, Viscount
Chalmers, P.
Chapman, sir M. L. C.
Chetwynd, Major
Clements, Viscount
Cole, hon. A. H.
Cole, Viscount
Conolly, E.
Corry, hon. H.
Courtenay, P.
Cripps, J.
Currie, R.
Curry, W.
Darby, G.
Darlington, Earl of
Davies, Colonel
Douglas, Sir C. E.
Dundas, C. W. D.
Dundas, Captain D.
Elliot, hon. J. E.
Ellis, J.
Evans, W.
Fellowes, E.
Ferguson, Sir R. A.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Forbes, W.
French, F.
Gibson, J.
Gladstone, W. E.
Goddard, A.
Greenaway, C.
Grey, Sir G.
Grimsditch, T.
Hawkes, T.
Hayes, Sir E.
Heathcote, G. J.
Henniker, Lord
Hodgson, R.
Hope, G. W.
Houstoun, G.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irving, J.
Jackson, Sergeant
Jephson, C. D. O.
Jones, T.
Kemble, H.
Knatchbull, hn. Sir E.
Knight, H. G.
Lefroy, right hon. T.
Lennox, Lord G.
Litton, E.
Lockhart, A. M.
Master, T. W. C.
Meynell, Captain
Mildmay, P. St. J.
Monypenny, T. G.
Morpeth, Viscount
Morris, D.
Northland, Viscount
O'Brien, W. S.
Pakington, J. S.
Parker, J.
Perceval, Colonel
Philips, G. R.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Ponsonby, Hon. J.
Pusey, P.
Redington, T. N.
Rice, E. R.
Rickford, W.
Round, C. G.
Rushout, G.
Scarlett, hon. R.
Shaw, right hon. F.
Shirley, E. J.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, E. J.
Stuart, V.
Sugden, rt. hon. Sir E.
Thomson, rt. hon. C. P.
Thornhill, G.
Townley, R. G.
Turner, W.
Verner, Colonel
Villiers, Viscount
Wilberforce, W.
Wilbraham, G.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Wood, T.
Wrightson, W. B.
Wyse, T.
Young, J.

TELLERS.

Baring, F.
Solicitor-General, the

List of the Noes.

Aglionby, H. A.
Aglionby, Major
Archbold, R.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Blake, M. J.
Browne, R. D.
Chester, H.
Easthope, J.
Evans, G.
Finch, F.
Fitzsimon, N.
Grattan, J.
Grattan, H.
Hindley, C.
Hodges, T. L.
Hume, J.
Hutton, R.
Jervis, J.
Johnson, General
Langdale, hon. C.
Marshall, W.
Maule, W. H.
Nagle, Sir R.
O'Connell, M. J.
O'Connell, M.
O'Conor, Don
Power, J.
Roche, W.
Strutt, E.
Style, Sir C.
Talbot, J. H.
Thornley, T.
Vigors, N. A.
Wakley, T.
Walker, C. A.
Wallace, R.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, L.
White, S.
Williams, W. A.
Yates, J. A.

TELLERS.

O'Connell, D.
Maher, J.

The other clauses to the 30th were agreed to. House resumed. Committee to sit again.

HOUSE OF LORDS,

Monday, February 19, 1838.

Minutes.] Bills. Read a first time:—Parliamentary Electors; Thames Watermen; Transfer of Aid; Exchequer Bills.—Read a second time:—Custody of Insane Persons.—Read a third time:—Co-partnership.

Petitions presented. By the Bishop of Ely, from the Clergy of his diocese, in favour of the Sodor and Man Bishopric Bill.—By the Duke of Cleveland, from Gateshead, for the extension of Municipal Suffrage; and for a National system of Education.—By Lord Redesdale, from the Clergy and Inhabitants of Evesham, and from the Clergy of Oxford, in favour of the Sodor and Man Bishopric Bill.—By the Marquess of Lansdowne, from Dissenters of Devizes, from Inhabitants of the county of Wilts, from Dissenters of Frome, and from four other places, for the abolition of Negro Apprenticeship.—By Lord Abinger, from a Banking Association, against some clauses in the Imprisonment for Debt Bill.—By Lord Brougham, from Barnsley, Wakefield, Newcastle-on-Tyne, Middleborough-onTees, Derby, Bridlington and its neighbourhood, Welchpool, Charlton (Devon), Llanelly, Cumnock (Ayrshire), Launceston, Morpeth, New-court Chapel (Newcastle-on-Tyne), Blackeaton (Devon), Wirksworth, Aberdeen, South Shields, from the Society of Friends, from Wycombe, Abergelly, Deptford, and a great many other places, for the abolition of Negro Apprenticeship; from Members of the Society of Friends at Bristol, and from Uttoxeter, for the abolition of Church-rates; and from Montrose, in favour of the Ballot.—By the Earl of Aberdeen, from Edinburgh, for extending Religious Instruction to Scotland.

RE-HEARING OF AN APPEAL.] Lord *Wharncliffe* presented a petition from an individual named Wharton, residing in the county of York, praying for the re-hearing of a cause which had been decided by ther Lordships upon an appeal. The question related to a legacy left by General Lambton; and a suit in equity having been instituted, the Vice-Chancellor pronounced a judgment upon it. An appeal was made to the Lord Chancellor (then Lord Brougham) who confirmed his honour's decision. Upon the case being brought to their Lordships' House the decree of the Court of Chancery was reversed, and the petitioner now prayed that the cause might be re-heard. He certainly felt rather averse to the re-hearing of a case which their Lordships had decided upon its merits, although he considered it his duty to present this petition. The petitioner, however, stated one ground on which he principally relied. He stated that it was the uniform practice for their Lordships to give notice, either to the parties or to their agents, of the time at which a judgment would be given, in order that those parties or agents might be present, to furnish any necessary information or to supply any deficiency which might occur at the moment; but that in this case no notice had been given. The consequence was that neither the parties nor their agents were present. How far this was a sufficient ground for a re-hearing he was not prepared to say, but perhaps the noble and learned Lords present would be able to state.

The *Lord Chancellor* said, that the point was fully inquired into in the last Session of Parliament. A noble Lord presented a petition praying that the House would order a cause to be re-heard. Precedents were immediately searched for, and although there were some instances found in which rehearing had been ordered, in consequence of omissions, yet it appeared that there had never been a re-hearing on the merits of a case; and the noble Lord who had presented the petition withdrew it. That in the present instance the parties had not had notice of the judgment could form no ground for a re-hearing. Such notice might certainly be convenient, but it was by no means requisite. He recommended to the noble Lord to withdraw the petition.

Lord *Brougham* concurred with his noble and learned Friend in recommending the noble Lord to withdraw the petition. The present was one of two cases in which the House had differed from him while he held the great seal. He was not present when the House gave its judgment. He did not complain of that. Had he been present he should either have been convinced by the arguments of those who differ from him, or he would have endeavoured to enforce his own opinion. It was a case which he had considered very fully; and although now, after the decision of their Lordships, he was bound to believe that he was wrong in the judgment he had formed, yet all the Members of the profession with whom he had consulted were of opinion that he was right. He agreed, however, with his noble and learned Friend on the woolsack that it was quite impossible to open the case now. The absence of the parties or their agents on the delivery of the judgment was no ground for adopting such a course of proceeding. He repeated his recommendation to his noble Friend to withdraw the petition.

Lord *Lyndhurst* said, that he should not have moved the judgment of the House on this case, in the absence of his noble and learned Friend, had he not been pressed by the parties on both sides to do so. As to the parties not knowing the grounds on which the judgment proceeded, all he had to say was, that two gentlemen were present who usually reported the legal proceedings of their Lordships, and who had reported those grounds most accurately.

Petition withdrawn.

HOUSE OF COMMONS,

Monday, February 19, 1838.

MINUTES.] Bills. Read a third time:—Exchequer Bills; Transfer of Aids.

Petitions presented. By Mr. HALSE, from St. Ives, and by Mr. GLADSTONE, from Newark, against the Boundaries Bill. —By Mr. GRIMSDITCH, from Macclesfield, and two other places, and by Mr. GODSON, from Kidderminster, against the New Poor-law.—By Mr. GLADSTONE, from Coventry, for a system of National Education.—By Mr. BANNERMAN, from Aberdeen, by Mr. C. W. D. DUNDAS, from Flintshire, by Sir R. FERGUSON, from Nottingham, and by Mr. GILLON, from Strathaven, for the Ballot.—By Sir G. STRICKLAND, from Barnsley, by Mr. PEASE, from Kerby-Lonsdale, and four other places in Durham, and by Mr. VILLIERS, from Worcester and Stafford, for the abolition of Negro Slavery.—By Mr. LITTON, from persons holding office in Dublin, for compensation should the Irish Municipal Bill become law.—By Mr. SERJEANT JACKSON, from some Baronies in Cork, to prevent the interference of Catholic Priests at Elections.

SIR FRANCIS VANE.] Mr. *James*

hoped the House would bear with him for a few minutes whilst he made a remark or two on a matter personal to himself, and connected with the privileges of the House. In the course of the debate which took place on the motion of the hon. Member for the City of London, he (Mr. James) took occasion to say, that certain tenants-at-will, voters for East Cumberland, after signing a requisition to secure the return of his (Mr. James's) colleague and himself, had been urged by their landlords to violate their pledges and vote for Sir James Graham. He (Mr. James) was called upon to name, and he named the steward of the returning officer, Sir Francis Vane. That statement was strictly true, perfectly correct, and he could prove the fact; but the observation with regard to the notices given to certain tenants, who were threatened to be ejected from their farms, was not intended to apply to the same party, but to other parties. He had no doubt the error had arisen in some of the historical records of Friday last, either from his (Mr. James) having been indistinctly heard, or his imperfect manner of expressing himself, because no man was more ready than himself to acknowledge the general accuracy by which the reports of their debates were distinguished; indeed, it was perfectly wonderful how they could be given in so short a space of time so correctly as they were. He (Mr. James) would have made this explanation on Friday last, but he was unwilling to trouble the House with a matter personal to himself; but he did on that day write a letter to the editor of a paper in Cumberland, having the largest circulation, correcting the error. He had since received a letter from Sir F. Vane, who was not in the North, but in the South, and who was anxious that the error should be corrected as soon as possible. Sir F. Vane was a particular friend of his, and nothing would hurt him more than to have been supposed to have attributed to him any unjust, harsh, and tyrannical conduct, because he knew he was utterly incapable of it, and he was anxious not to wound the feelings of his friend, especially at the present moment, as he was suffering from a long, severe, and painful illness.

Parliamentary Electors.] On the Motion that the Parliamentary Electors Bill be now read a third time.

Mr. *Blake* expressed a hope that the provisions of the Bill should be extended to Ireland, and stated it to be his understanding that the Chancellor of the Exchequer had stated his intention to that effect in Committee upon the Bill.

Lord *John Russell* observed, that his right hon. Friend had, after some deliberation, judged it better to make the measure, with regard to Ireland, the subject of a separate Bill.

Mr. *Maclean* said, that he should most certainly oppose the third reading of the Bill. The two questions involved in the measure were so totally distinct that they ought not to be mixed up together. What was the object of the Bill with respect to the electors? The noble Lord proposed that those voters who were already in arrear with their taxes should be allowed to go farther back in arrear—namely, to the month of October of the preceding year; and yet what was the objection urged by the advocates of the Reform Bill against the scot and lot voters? It was, that they were in nine cases out of ten paupers, and, therefore, unfit to have the franchise. It should, however, be recollected that there was a test of the solvency of the scot and lot voter, because before he could vote he must prove that he had paid his taxes. But now the noble Lord proposed to give those who were not scot and lot voters a right to vote though they had not paid up their taxes. His objections to the Bill were, that it interfered with the provisions of the Reform Act; that it mixed up two questions so entirely distinct as on the first mention of their connexion to have been declared not only by the noble Lord but also by the Speaker as incompatible, and not to be incorporated in one Bill; and that it was but the commencement of a series of changes to which the noble Lord should be cautious how he gave countenance, as it would lead the people to believe that the strong ground which the noble Lord took in the first week of the session on the question of the ballot would not be maintained, that he would not remain firm in his purpose to oppose changes, and that having yielded this, the noble Lord would, with a little more pressure, yield the question which he then refused to concede. Nor would the change end with the ballot: the next step would be the reduction of the household qualification to an annual value of *5l.*

with the non-payment of any taxes; and the final step he conceived to be perfectly obvious. If, therefore, he were asked, even by the freemen, for the grounds on which he refused this Bill, he should reply, that by granting it he conceived that he was jeopardising the provisions of the Reform Bill. The hon. and learned Member concluded with moving that the Bill be read a third time that day six months.

Sir *Robert Peel* was desirous of stating the grounds upon which he objected to this Bill. His main ground of objection was, that he considered it the first step towards an alteration in principle of that which he understood to have been the settlement of the great question relating to the representative system in this country. The noble Lord had referred to the zeal which some of those individuals who had strongly opposed the Reform Bill were now displaying in the vindication of that measure. Now, nothing appeared to him to be more perfectly consistent than a man's giving every reasonable opposition to the Reform Bill while it formed the subject of Parliamentary discussion, but when that Bill had been passed by the Legislature, accepting it as a great national and constitutional settlement, and being prepared to vindicate its provisions. He (Sir Robert Peel) did not profess to be at all more enamoured of the Reform Bill than he had been at a former period; but quite as zealously as those who declared themselves enamoured of it most highly, he would defend its existing provisions. He would oppose any attempt to undermine or break through the provisions of that Bill, or pass over the limits which it prescribed, as much as if it were attempted to restore the nomination boroughs, or to curtail the franchise. Whatever pretext of justice might be assigned for concession upon any particular point, he would oppose the concession; since so much greater evil must flow from such a change than good could possibly accrue. The course therefore, which his duty prescribed to him with reference to this question was that of maintaining, as far as in him lay, the Reform Bill as the settlement of a great constitutional question; and in adopting this course he was acting in perfect consistency with his known political opinions. The Reform Bill established three qualifications for Parliamentary voters. First, that the voter should have been resident for six months, or that he should have held the tenement out of which he voted for at least that period previous to the election. The second qualification was, that the value of those premises should be at least 10*l.* per annum. The third was, that the voter should have paid before the 20th of July all rates and taxes due by him on the 6th of April preceding. Pecuniary ability and residence were therefore the qualifications fixed upon by the framers of the Reform Bill, after mature deliberation; and had been accepted by both Houses of Parliament as a satisfactory test of the voter's competency. Another test had been proposed, which was the payment of rent; but this test was abandoned; and he had a right to believe that those three qualifications which he had specified were intended to remain in full force, or at least that the noble Lord, who was the author of the Reform Bill, should not himself be the man to set the example of violating its provisions. He must also say, that his confidence in the ability of the noble Lord to resist the clamour which had been raised upon the subject of the ballot would be greatly shaken, if the noble Lord could be appealed to as the author of a material change in the Reform Bill. Two of the three qualifications were, according to the noble Lord's scheme, to remain the same. The qualification of residence or occupancy was to remain the same. The yearly value of the premises was to remain the same. Why was the other qualification disturbed? The noble Lord proposed to give to the voter a much longer period for the payment of his taxes; and he begged to call the attention of the House to the following facts. It was enacted by the Reform Bill that the elector, previously to being permitted to vote legally, should, on or before the 20th of July, have paid all rates and taxes due by him up to the 6th of April previous. Was this, he would ask, unreasonable? A period of nearly six weeks was allowed to the householder, during which to make good the payment of his taxes; and he must say, that he thought it a good principle, to require that people should pay their rates and taxes when due. If it were said, that there might be a deficiency of notice from the parochial officers, why, he would ask, did they not apply the remedy to the defect of notice? Why did they not require that, on the 10th of April or the 20th of April, a satisfactory notice should be issued, warning every voter, that, unless his rates and taxes were paid by the 20th of July, he would not be entitled to vote? Why did they not direct that it should be announced to every voter that upon application at a particular place he would be enabled to ascertain the amount which was due by him? He would have the notices issued, and served upon each individual voter, as soon as possible after the 6th of April. The voters would thus all be placed upon a footing of equality, and no chance would be left to overseers or collectors, however disposed, to act with partiality. But the noble Lord proposed to take a different course, and to extend the period of paying the taxes for six additional months. He was anxious that the House should observe the progress of the remission of those taxes, which had been deemed a fitting qualification for Parliamentary voters in 1832, when the Reform Bill passed. The house-tax and the window-tax then existed; and, with reference to the great majority of voters, he apprehended that scarcely any other of the assessed taxes was in force. Well, they had repealed the house tax in 1834, and in this respect they had materially altered the voter's qualification, the repeal of this tax having removed one of his restrictions. The window tax still remained, but diminished by nearly one-half in its amount. And if this were repealed, no assessed taxes would remain to be demanded of the majority of the voters. There would afterwards remain only the parochial rates, to the payment of which the voter was subjected in 1832. He would briefly exhibit the progress which had been made in the reduction of the parochial rates since the passing of the Reform Bill. In the year ending March, 1833, the amount of parochial rates paid in England and Wales for the relief of the poor and the incidental charges connected therewith was 8,739,881*l.* In 1837 the total amount was 7,511,219*l.*, and in 1838, that is to say for the year beginning in March, 1837, it was only 4,808,000*l.* Thus, the poor-rates, which in 1833 amounted to 8,000,000*l.*, amounted now to little more than half that sum; and the pecuniary qualification which attended the right of voting in 1832 having by the operation of Acts introduced since the passing of the Reform Bill been greatly reduced, the noble Lord now came forward with the concession of twenty additional weeks to the 10*l.* householders for the payment of their rates, the entire proposed period being that of six months. He confessed he thought that this in itself was a bad principle. The existing period of six weeks was, in his estimation, perfectly sufficient to enable any person of pecuniary ability to entitle himself to vote. And he thought he had abundantly shown, in the mode proposed by him, that no apprehension need be entertained of the elector losing his vote in consequence either of negligence or design on the part of the parochial authorities. On these grounds he opposed this measure, which he certainly did not think would be an improvement; but he opposed it the more particularly, in order that he might not appear by his silence to acquiesce in what appeared to him to be a perfectly unnecessary and prejudicial interference with the qualification for the exercise of the elective franchise, as established by our definitively arranged representative system.

Lord *J. Russell* observed, that the first, and indeed the last, objection made by the right hon. Baronet to this Bill was that it was an alteration of the Reform Bill. He owned that it appeared to him that if they were to insist upon a pedantic adherence to every Bill that became law, they would not be acting for the general convenience or benefit of the country. This bill was objected to because it was an alteration of the Reform Bill. Now, according to the Reform Bill, the polling in cities and boroughs was to be taken in two days, and yet Parliament had since agreed that it should be taken in one day. Hon. Members seemed to have forgotten that that alteration had taken place. Another alteration had been made by Parliament in the Reform Bill respecting the polling-places; and when it was proposed in the other House of Parliament, it was only objected to that the power of altering them should be given to the magistrates of quarter sessions without the consent of the Crown. He could name another and more recent instance of proposed alteration. It was part of the provision of the Reform Bill that a fee of one shilling should be paid on registering. It was, however, said by hon. Members opposite, that that was an inconvenient provision for the voter, that it subjected him to annoyance, and that Parliament might dispense with it without parting with any real security. So far from objecting to the proposal, he (Lord J. Russell) added that a Bill might be introduced for the purpose of making that alteration. Hon. Gentlemen on the other side of the House, however, were so impatient, so discontented with the Reform Bill, that they were not satisfied with his assurance on the subject, and insisted upon dividing the House upon the question of placing that alteration in this Bill, in order that it might be carried into effect as speedily as possible. That being the case, the only difference that could exist between hon. Members opposite and himself was, as to the alterations it would be proper to make in the Reform Bill. The question was not whether it were right to make an alteration in a measure which had already been altered, and regarding which further alterations were proposed, but whether the one now proposed was an alteration which it would be proper and adviseable to adopt, and one which did not alter the main principle of the original measure. According to the Reform Act the rates and taxes ought to be paid by the voters of cities and boroughs; but did this Bill, he would ask, take away that provision? In the first year, the voter could not come forward and vote without being able to say that he had paid his taxes up to the 5th of April. In the second year, he would not be admitted to vote if he had not paid up his taxes to the 11th of October of the preceding year; so that on the first year of his admission to vote he must have paid up to the 5th of April, and on the second up to the 11th of October preceding. It could not surely be said that that man was insolvent or unable to pay his rates who complied with this regulation. And if not, the principle contained in the Reform Bill was preserved in this; while he thought that it only did what ought to be done—remove as much as possible a source of vexation and annoyance to the voter. Everybody knew that if these voters, by negligence, or absence, or some other cause, did not pay their rates at the exact period at which they were demanded, they would lose the exercise of their franchise for that year. That was an unreasonable degree of strictness, in which he conceived some relaxation might be made. There was no doubt that the original intention of the Reform Bill was to give the franchise to 10*l.* householders who could pay their rates and taxes, without reference to the time at which they should be paid. Therefore did he consider this Bill perfectly compatible with the principles of the Reform Bill. Even if it were carried, he did not say that there should be no other Bills in which certain provisions of the Reform Bill would be modified. He thought it an absurdity to say, that in the year 1832 they carried an act so widely different from all previous Acts, that no future experience or information they could obtain should induce them to alter a single provision of it, but preserve it in the exact form in which it was passed. Although he was prepared to maintain every great outline of the Reform Bill, yet, if he thought there was any change which would make its operation easier, or remove any annoyance to the voter, without disturbing the franchise as laid down in the Bill, he would not hesitate to propose it for the adoption of Parliament.

Mr. *Goulburn* said, that although the noble Lord had taunted them with having proposed the repeal of the registry fee of 1*s.*, he was sure there was no one in the House who would for a moment say, that the two propositions, theirs and that of the noble Lord, were in the slightest degree similar. He would argue the question precisely on the footing on which the noble Lord had put it. He told them, that the intention of the Reform Bill was, that a voter should have a holding of 10*l.* a-year, and that as a proof of his solvency he should be required to pay taxes. That was his understanding of the Reform Bill, and he was happy to say he was confirmed in it by the admission of the noble Lord. So long as the payment of taxes was required up to the 5th of April, they had a proof of the solvency of the party desiring to vote, because on the 5th of April the said party must have been a sufficiently long time in possession of the tenement to allow the taxes to accrue. But if the taxes were only to be paid up to the 11th of October, it appeared to him that there was no obligation on the part of the voter at the time of registering to pay a single tax. They would not, therefore, have any security of the solvency of persons claiming to vote for 10*l.* tenements, because at the period fixed by the noble Lord they would not be liable to pay any tax whatever. The provision in the Reform Bill was, that the tenant must occupy his tenement twelve months previous to the last day of July. A man entering a tenement on the 31st of July would not on the 11th of October following be in a situation to pay taxes for that quarter, because they could not be legitimately called for by the officers who collect the King's taxes half-yearly, in April and October. In October the tenant would not be six months in possession, and consequently not liable to pay taxes. As far as the King's taxes went, they would therefore lose the security which they afforded for the solvency of the tenant. Now with regard to the Poor-rates; he appealed to hon. Gentlemen if they were not levied after old Michaelmas-day, when provision was to be made for the poor and the heavy payments required; so that the noble Lord would find that the tenant entering in July would not be liable to this rate in October. The effect of this Bill would, therefore, be to destroy altogether the test of solvency so far as the payment of the King's taxes and the Poor-rate secured it. It gave, besides, a facility of creating votes, not liable to this restriction, by putting persons into 10*l.* houses on the 31st of July, who would not have any taxes to pay in the following October. He begged of the noble Lord, who was so strenuous an advocate for this restriction, to frame the Bill in such a manner as to insure the payment of taxes at some time or other.

The *Chancellor of the Exchequer* said, that the argument of his right hon. Friend did not apply to this measure, because it provided, with respect to voters placed on the registry for the first time that their taxes should be paid up to the 5th of April. By that the Bill preserved the test of solvency. With regard to the provision for the payment of the taxes up to the 11th of October, it only applied to those who were now on the registry, or who should be hereafter placed upon it according to the regulation established by the Reform Act in the first instance of registry, which required the taxes to be paid up to April. If there were anything in the right hon. Gentleman's objection, it was singular that this provision should have been objected to by the hon. Member for Leeds, because it provided only a remedy for the grievances of parties either now on the register, or who might hereafter be placed there. With respect to the argument as to the repeal of the shilling, the right hon. Gentleman had applied it as if his noble Friend had drawn from it a deduction that hon. Gentlemen opposite ought to consent to this Bill, but his noble Friend had not so used it; he had only applied it as an answer to that unreserved declaration of fealty and allegiance to every part of the Reform Bill which the hon. Gentleman had avowed. Then there was, also, the proposal for the abolition of the stamp duty, on the admission of freemen to corporations, which hon. Members opposite were ready to support. Would any man tell him that that would not be a clear alteration of the franchise? But provided the franchise was only altered after the fashion of hon. Members opposite, in a way to suit their own favoured parties and constituencies, they were as ready to make that alteration as any hon. Member on that side of the House was to adopt the one proposed by the present measure. He would take that opportunity of stating in answer to the hon. Member for Galway, who had asked the question in his absence, that he had told that hon. Gentleman that he should be prepared to include in this bill a provision for the repeal of the stamp duty on the admission of freemen into the Irish corporations, but that, on consideration, he did not think it would be right to take the House by surprise in proposing an amendment of the kind on the third reading of the bill. On a future occasion, however, he or some other member of the Government, would be prepared to introduce a bill to carry that object into effect.

Colonel *Sibthorp* would now take the same part he had taken on a former occasion, in reference to this measure. He admitted, that as far as regarded the freemen, the bill was a just one, but the noble Lord endeavoured to thwart that object by adding another to the bill—viz., the remission of the rates to the 10*l.* householders by which the noble Lord sacrificed his maintenance of the Reform Bill. The noble Lord was, therefore, attempting to make the bill a mere trap, by a pretended consideration towards the freemen. It was one of those horrible Ministerial tricks, one of those underhand measures, which the noble Lord was continually bringing forward. He would, therefore, oppose this measure, for, indeed, independent of his objections to it, he felt that he might conscientiously oppose any measure, which emanated from a Government so corrupt, that in every measure they proposed, there was to be discovered some underhand work of this kind.

Sir *W. Follett* wished to say a few words, in consequence of what had fallen from the right hon. Gentleman, the Chancellor of the Exchequer, with whom his right hon. Friend (Mr. Goulburn) was at issue, in order that the House might understand the precise nature of the proposed alteration. He agreed that in order to entitle the 10*l.* householder to the boon intended to be given, it was necessary that he should be once on the registry, and that consequently he must have paid taxes before he could vote. But if once upon the registry, he would never be again required to pay taxes due on the 5th of April, but only those due in the preceding October. That right would always remain to him, and the question was whether they ought to agree to it. The other part of the bill referred to the stamp duty upon freemens' admissions. He would vote against the bill, not because that duty was to be taken off, but because it was improperly introduced into this bill, and because he objected most distinctly to any alteration in the 10*l.* franchise. His objection to the proposed alteration, notwithstanding what had been said by the noble Lord, was, that it was the first step towards altering the franchise created by the Reform Bill. The alteration was not merely what was stated by the noble Lord. Was there no distinction between an alteration in that part of the Reform Bill which related to the mode of registry, the mode of taking the election, and the right of the election itself? As regarded the mode of registry and taking of elections, they had made alterations no doubt, and he hoped they would make others because he thought there were still in their system of registration, defects, which it was incumbent upon Parliament to remove. But it was not because they made alterations in the system of registration, and alterations of the number of polling places, and alterations in the number of days required to complete an election, or because they took away a fee of 1*s.* paid upon registering that, therefore, they were called upon to alter the elective franchise itself. They were told that the proposed alteration was a very small one, but his objection was, that it was an alteration at all. If they commenced by making small alterations of this sort, he did not know how they could ultimately stand upon the argument that the franchise was settled by the Reform Act, or adduce it against the proposition of the hon. Member for Finsbury, for dispensing altogether with the test that voters paid rates and taxes. The punctual payment of the rates was the test which had been adopted, and it was fixed as the proper criterion of solvency, and they could easily secure the necessity of payment against any annoyances, without such an alteration as abolishing the 5th of April as the day up to which the rates were to be discharged, and by throwing it back to the 11th of October, and by thus making a substitution which would alter the franchise itself, and which was very different from merely increasing the number of polling places, or decreasing the days of poll. He objected, then, to this bill, because it was an alteration in substance of the franchise, and one standing on totally different grounds from any change in the polling places or mode of election. One word upon the freemen alluded to in this bill. They had conferred no franchise upon the freemen by the Reform Bill, because to the franchise given under it they had had a right before the Reform Bill. When the Reform Bill passed, the freemen entitled to admission were bound to pay for the purposes of creating a revenue, a stamp upon that admission. They had not only a right to vote at elections before that, but also a right under the Municipal Corporation Act, of which the Reform Bill deprived them. That bill took off from the householder a considerable portion of his taxes, and would they tell him that it was not fair to relieve the freemen from the payment of this stamp duty without at the same time altering the franchise? The two cases appeared to him to rest on totally different grounds, and he much regretted that they had been made to form portions of the same bill. The promoters of the measure, he felt satisfied, would experience disappointment if they expected to induce those who were averse from an alteration in the franchise, to vote in favour of that change for the sake of accomplishing that which would be a boon to the freemen. He objected to the substance and principle of the proposed change, and his objection was so strong, that he would rather give up the intended advantage to the freemen than assent to any change in the electoral privileges created by the Reform Act.

The House divided on the original question:—Ayes 189; Noes 172: Majority 17.

List of the Ayes.

Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Anson, hon. Colonel
Archbold, R.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Belfast, Earl of
Bellew, R. M.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Bowes, J.
Brabazon, Lord.
Briscoe, J. I.
Brotherton, J.
Brownrigg, S.
Buller, C.
Buller, E.
Busfield, W.
Byng, G.
Callaghan, D.
Cave, R. O.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Chichester, J. P.
Clay, W.
Clements, Viscount
Clive, E. B.
Collier, J.
Collins, W.
Craig, W. G.
Crawford, W.
Currie, R.
Dalrymple, Sir A.
Davies, Col.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Duckworth, S.
Duke, Sir J.
Duncan, Visct.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Easthope, J.
Ellice, Capt. A.
Ellice, rt. hon. E.
Elice, E.
Erle, W.
Evans, De Lacy
Evans, W.
Fenton, J.
Ferguson, Sir R.
Fergusson, Sir R. A.
Fergusson, rt. hn. R. C.
Fitzalan, Lord
Fitzroy, Lord C.
Fitzsimon, N.
Fort, J.
Goring, H. D.
Grattan, J.
Grattan, H.
Grey, Sir G.
Grosvenor, Lord R.
Grote, G.
Hall, B.
Handley, H.
Harland, W. C.
Hawkins, J. H.
Heneage, E.
Heron, Sir R.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Howard, F. J.
Howard, P. H.
Hume, J.
Humphery, J.
Hutton, R.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Lefevre, C. S.
Lennox, Lord G.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Lushington, C.
Macleod, R.
Macnamara, Major
Maher, J.
Mahoney, P.
Maule, W. H.
Melgund, Visct.
Mildmay, P. St. J.
Milton, Visct.
Morpeth, Visct.
Murray, rt hn. J. A.
Nagle, Sir R.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, J.
O' Connell, M. J.
O'Conor, Don
Paget, F.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pechell, Captain
Pendarves, E. W.
Philips, M.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Protheroe, E.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, Henry
Rippon, C.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.
Russell, Lord J.
Salwey, Colonel
Sanford, E. A.
Seale, Colonel
Seymour, Lord
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Somerville, Sir W. M.
Speirs, A.
Stanley, E. J.
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, V,
Strickland, Sir G.
Style, Sir C.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, Thomas
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, C. P.
Vivian, J. H.
Vivian, Sir R. H.
Wakley, T.
Wall, C. B.
Warburton, H.
Ward, H. G.
Wemyss, J. E.
Whalley, Sir S.
White, A.
White L.
White S.
Wilbraham, J.
Williams, W.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Yates, J. A.

TELLERS.

Gordon, R.
Wood, C.

List of the Noes.

A'Court, Captain
Adare, Viscount
Alexander, Viscount
Alford, Viscount
Alsager, Capt.
Arbuthnot, hon. H.
Ashley, Viscount
Ashley, hon. H.
Bagge, W.
Bagot, hon. W.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, hon. W. B.
Barneby, J.
Bateman, J.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackburne, I.
Blackstone, W. S.
Blair, James
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H.
Buller, Sir J.
Burroughes, H. N.
Calcraft, J.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Castlereagh, Viscount
Chaplin, Colonel
Chute, W. L. W.
Clive, Viscount
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A.
Cole, Viscount
Compton, H. C.
Conolly, E.
Cooper, E. J.
Corry, hon. H.
Courtenay, P.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Dugdale, W. S.
Duncombe, hon. A.
East, J. B.
Eastnor, Viscount
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Estcourt, T. G. B.
Estcourt, T. H. S.
Farnham, E. B.

Feilden, W.
Fellowes, Edward
Fitzroy, hon. H.
Fleming, J.
Follett, Sir W.
Forbes, Wm.
Forester, hon. G.
Freshfield, J. W.
Gaskell, Jas. Milnes
Gladstone, W. E.
Glynne, Sir S. R.
Goddard, A.
Gordon, hon. Capt.
Gore, O. J. R.
Goulburn, rt. hon. H.
Grimston, Viscount
Hale, R. B.
Halford, H.
Harcourt, G. G.
Hardinge, Sir H.
Herbert, hon. S.
Hill, Sir R.
Hillsborough, Earl of
Hinde, John H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. A'Court
Hope, G. W.
Hope, H. T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Viscount
Irton, S.
Irving, J.
Jackson, Sergeant
Johnstone, H.
Jones, J.
Jones, W.
Kemble, H.
Knight, H. G.
Knightley, Sir C.
Lascelles, hon. W. S.
Law, hon. C. E.
Liddell, hon. H. T.
Litton, E.
Logan, H.
Lowther, L.
Lowther, J. H.
Lucas, E.
Lygon, General
Mackenzie, T.
Mackinnon, W. A.
Maclean, D.
Maidstone, Viscount
Master, T. W. C.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Mordaunt, Sir J.
Neeld, J.
Neeld, John
Northland, Viscount
Ossulston, Lord
Packe, C. W.
Pakington, J. S.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, Colonel
Perceval, hon. G. J.
Planta, right hon. J.
Powell, Colonel
Praed, W. M.
Pringle, A.
Reid, Sir J. R.
Richards, R.
Rolleston, L.
Rose, Sir G.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Shaw, right hon. F.
Shirley, E. J.
Sinclair, Sir G.
Somerset, Lord G.
Stanley, E.
Stewart, J.
Sturt, H. C.
Sugden, rt. hon. Sir E.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Vere, Sir C. B.
Villiers, Viscount
Welby, G. E.
Wilbraham, hon. B.
Williams, R.
Wodehouse, E.
Wood, T.
Wynn, rt. hon. C. W.
Young, J.
Young, Sir W.

TELLERS.

Baring, H. B.
Fremantle, Sir T.

Bill read a third time and passed.

POOR LAWS (IRELAND).] The House went into a Committee on the Poor Relief (Ireland) Bill.

Mr. *O'Connell*, on the 31st clause being proposed, asked whether it was intended that all the salaries it ordered, should be paid out of the poor-rates. He conceived, that, as this bill was not so much demanded by the people of Ireland as by the people of England, and as not more than three petitions had been presented from Ireland in its favour, these salaries should first be chargeable on, and payable out of, the consolidated fund. Indeed he thought that the working of this bill, as it was a great experiment for the general good, should be defrayed at the general expense. At a future stage he would take the sense of the House on his proposition, but at present he would content himself with moving the omission of all the words in the clause after the words "appointed under this act." That would raise the question, which he wished the Committee to decide.

Lord *J. Russell* wished these salaries to be economically managed, and was not certain what the most economical mode of managing them might be; but of this he was sure, that they would never be economically managed if they were paid out of the consolidated fund. He could not agree with the hon. and learned Member for Dublin that this bill had been called for by the people of England and not by the people of Ireland, and, therefore, he could see no reason why that which was a local charge in England should not also be a local charge in Ireland.

Mr. *Litton* observed, that five-sixths of the Members for Ireland had voted in favour of the bill and of its principle. He thought that that circumstance was a sufficient indication of what the feelings of the people of Ireland were.

Mr. *Shaw* was inclined to think, that this great experiment ought to be set agoing at the public expense. Afterwards the charge of these salaries should be a local charge.

Mr. *Barron* was a great stickler for justice for Ireland, but, on this occasion, he must be a stickler for justice for England too. He thought that the bill, being for the local benefit of Ireland, should be carried into effect at the expense of the locality which it was to benefit; and, as an Irishman, he hoped that no division would be taken on such a question.

Mr. *W. Roche* was anxious to relieve Ireland from any pressure which ought not to attach to it; but the payment of these salaries was so intrinsic a part of this bill, that he thought the expense of them ought to fall on the country, which was to be affected by its operation.

The *O'Connor Don* thought it right to state, that a petition against this bill had been agreed to by the county which he had the honour to represent, under the conviction that poor laws, and a system of workhouses, were not at all adapted for the habits of the people of Ireland.

Mr. *O'Connell* could see no reason why these salaries should not be chargeable on the consolidated fund. They had already agreed, that a sum of money should be advanced out of the consolidated fund, for the purpose of building the workhouses in which these salaries were to be earned by the officers of the different unions; and they might take his word for it, that they would no more get that money back from the people of Ireland than they would get back the million which they had voted from the same fund for the relief of the Irish clergy.

Sir *E. Sugden* said, that it was an excess of modesty in the hon. and learned Member for Dublin to ask the representatives of England to grant the amount of these salaries out of the consolidated fund, at the very time that he told them plainly, that his constituents, the people of Ireland, would never pay back to that fund the sum granted to them for the building of workhouses, nor the million granted for the relief of the Irish clergy.

Clause agreed to.

On Clause 35, giving power to "the Commissioners from time to time, as they may see fit, to build, or cause to be built, a workhouse, or workhouses, for any union not having a workhouse," &c.

Mr. *Shaw* thought, the present was the most convenient time to move the amendment of which he had given notice. He proposed to add, after line 42, the words, "workhouses and asylums for the lame, impotent, old, and blind," with a view to give the clause the effect of limiting the relief to be provided to the necessary relief of the lame, impotent, old, blind, and such others as are destitute and not able to work. He took that opportunity of raising a question of very great importance, as the forms of the House and his own indisposition prevented him from bringing it forward in a more regular manner. It was a question of very great importance, as on it, in a great degree, depended the law of settlement, the right to relief in public workhouses, and, still more, the accompanying and auxiliary measures of emigration and the establishment of public works for the employment of the able-bodied: all of which the Bill before the House, in its present state, served as a screen against the necessity of introducing. The shortest way in which he could put his point was, by stating that the Bill, as it now stood, proposed to give relief to all destitute persons, even though they may happen to be able bodied; while his proposition was, that relief should be given to the destitute, but should not be extended to such as were able-bodied. He would endeavour to meet, as well as he could, the strongest argument, as it appeared to him, which could be brought forward in opposition to his proposition. That argument would resolve itself into this question. "How can you refuse relie to a man who is destitute, although able-bodied, if he says, I am able and willing to work if I can find it, but I cannot get any work to do? In answer to that argument he would say, I do not refuse to give such a man relief. I will do it, however, in another and different way from that provided by the Bill. I will do it by the auxiliary means either of emigration or public works. While I refuse to give relief under this Bill, I at the same time state what I propose I am willing to do for them. I refuse to delude them by holding out to them the expectation of means of relief in a way which this Bill is altogether inadequate to accomplish." He was of opinion, that, considering the great scientific knowledge and acquirement, and the unwearied industry and diligence of the Gentlemen who composed the Poor-law commission, sufficient attention had not been paid to their suggestions and recommendations. They had made a calculation that there were about two millions of destitute poor in Ireland, and yet the relief provided by the present Bill proceeded upon a supposition that there were only 80,000 in need of relief. Another calculation was, the able-bodied labourer was, by the produce of his labour, able to raise a sum of 30*l.* a-year. Now if that calculation were correct, if they were to divide the whole of the produce of the soil among them, they would hardly give them more than a competent maintenance. That showed, that there was no analogy between the workhouse systems of the two countries. The object of the workhouse system in England was, to adjust the demand to the supply. In Ireland that was not the object of the workhouse system, and the only way by which that object could be effected in Ireland was, by endeavouring to raise the Irish labourer to the same scale with the English labourer. In order to attain that desirable object, they should have in Ireland a better system of land-letting, a consolidation of small farms, and a better and more improved system of husbandry. What he had stated was, he trusted, sufficient to show the inapplicability of the workhouse system in Ireland to the class of able-bodied men. These considerations would lead to the other points he had already alluded to, namely, extensive emigration and public works on an extensive scale. The objections which he made to this Bill as a means of relief for the able-bodied poor, did not apply to it as a provision for the blind, the lame, the aged, and the impotent; of these latter the number was comparatively small, and pretty nearly equal in most parts of the country and at most periods. How were they to prevent imposition in many of those cases? There were two ways of doing so; namely, by in-door relief and by the discretionary power to be vested in the guardians. The parties who should be considered fit objects of relief would be admitted into the workhouse, or rather he should call it the asylum, for the terms of his amendment did not imply that much work could be done by the lame, blind, aged, and impotent; but when in that asylum or workhouse the parties should be subject to general regulations. His great object was, that the Bill should not hold out to large numbers of the poor of Ireland the hope of relief which it was not adequate to afford. He did not go the length of saying, that in every possible case the discretion of the guardians should be limited; but that in cases of extreme destitution, bordering on the other cases to which, in his opinion, the Bill ought to apply, there should be a power to administer relief, but in every case in-door relief. If the general rule which his amendment would lay down were objected to, he would beg to ask those who advocated the Bill as it stood, and who would leave to the guardians the discretionary power of relief in all cases,—he would, he repeated, ask them what answer would they give to the able-bodied man who applied for relief and described himself as in a state of destitution, though able and willing to work. Would they tell him that the workhouses were calculated to hold not more than 80,000 persons, and that they were then all full? Would the destitute though able-bodied poor be satisfied with that answer? Certainly not. If the principle of relieving the able-bodied but destitute labouring man were once adopted, the doors of workhouses should be opened not to the thousands but to hundreds of thousands; but as relief was not contemplated to that extent, all beyond the number which the workhouses would hold must necessarily be turned away. Would not that be exciting discontent, seeing that the hopes entertained of relief from the Bill could never be realised? If the Bill were limited as he proposed, it would be very easy to dispose of the question of the law of settlement. A distinction should be made in the workhouse between the destitute able-bodied (who might in extreme cases be admitted) and the destitute impotent; and a great distinction should also be made between both and those—such as retired soldiers and sailors—who had claims on the public bounty. In commencing such a system as this he would rather do too little than too much; for if they did too little at first, it would be easy to advance, but if they found they had done too much it would be difficult to retrace their steps. They had better, therefore, take the more moderate course in the outset, and, above all things, not to give rise to hopes of general relief which they could never realise. He had felt it his duty to state his views on this subject briefly, and so important did he think the question that he would take the sense of the Committee upon it.

Viscount *Morpeth* said, the question was, whether the relief should be administered at the discretion of the guardians, or be limited, by the bill, to the lame, the impotent, and the blind, &c. Now the practice, under the bill, would not, he supposed, differ much from that which he (Mr. Shaw) had said, should be the strict rule, but then the principle was important which made it the strict rule in almost every case, at least to such an extent as to fetter the discretion of the guardians. So important did he admit this principle to be, that he thought it but fair to have the sense of the Committee expressed upon it. The principle of the right hon. and learned Gentleman would lead to much greater mischiefs than those which they were intended to prevent. Then there would be great difference as to who might be classed under the heads of "impotent," for many who were only destitute would claim admission as "aged, impotent,"&c. Now, it might often happen, that a man of seventy might be as hale and strong as many a worn-out labourer of forty or fifty. As to the sick, there would be less difficulty, for Ireland abounded in places for the reception of sick in all diseases; but, admitting this, suppose a man and woman, in a state of great destitution, accompanied by several children still more destitute, were to apply to the guardians, and say "we are able to work, but we cannot get any employment, we and our children are perishing from want of food and shelter, and we beg you to allow us to crawl in here and die." Now, said the noble Lord, you may refuse in that case, but don't make it your law that you shall do so." He had seen an account of a public meeting in the county of Clare on the subject of the Poor-laws, at which one of the speakers alluded to the degradation of sending persons into places of confinement—as the workhouses were termed—because of their destitution and solicitation for relief. The gentleman who took that view of the subject, was replied to by a Roman Catholic priest, who in the course of his remarks, mentioned the case of a poor woman, who, with three young children in a state of destitution, sought shelter in a waste house. In the course of the night, the youngest of the children, an infant, fell from off its mother's arms and perished of cold. The poor mother shared her fate, for she too perished in the course of the night, and the two surviving orphans had to be provided for by his parishioners. Now, was not the fate of those helpless beings worse than their being imprisoned in a workhouse, as it was called? Was not begging in the streets a greater degradation than seeking an asylum within the walls of a workhouse? It would, he repeated, be productive of the worst effects to fetter the discretion of the guardians who administered the district. The limitation of relief to those who went into the workhouse was sufficiently harsh and stringent, though, at the same time, he would admit that it was a necessary restriction, but he would not go beyond that, by putting altogether out of the power of the guardians to admit particular cases of destitution amongst able-bodied paupers He did hope, that the Committee would, in all cases, confine the relief to the workhouse, but that they would sanction the principle, that under the cover of the workhouse they would leave to the guardians the power to give relief to those who were greatly destitute.

Colonel *Conolly* fully concurred in the view taken of this question by his right hon. and learned Friend (Mr. Shaw) which he thought was much more consistent with the wants and resources of the country than the sweeping measure proposed by the bill. The amendment began at the moderate end, in trying this system in a country where it was hitherto unknown, and where they had, of course, no data to decide upon its working. The project of his right hon. and learned Friend could be tried at once, and would relieve the country from the alarm into which it had been thrown by the threatened application of so extensive a system as the bill proposed. The Committee ought to consider whether, in the extensive application of that principle, they did not create a greater degree of pauperism than they cured. He did not offer these remarks in any spirit of hostility to the Queen's Government. He made them from a sincere desire to divest the measure of that alarm which in its present state it was calculated to excite in the country; for in the present state of Ireland, he thought that nothing could be more injurious than to admit even by implication the right of able-bodied poor to demand support. But the bill ought to be accompanied by the provisions suggested by his right hon. Friend, respecting public works and emigration. A small fund would facilitate emigration, and discharge Ireland of its superfluous population. He would urge the subject of public works upon the attention of Government, because they would much increase the prosperity of the country. In conclusion, he entreated her Majesty's Ministers not to resist the proposition of his right hon. Friend.

Viscount *Clements* admitted that his gallant Friend, who had just spoken, must be considered well acquainted with the state of Ireland, but he could not agree with him in the conclusions to which he had come. Indeed, looking at the great improvement which his hon. and gallant Friend had made in his estate by good management, he had expected that he would be one of the first to oppose the proposition of the right hon. and learned Gentleman. It was true, that there was a large amount of poverty in Ireland, but there were also immense resources, which, if well employed, would get rid of it. He, therefore, looked upon the calculations which had been made to show the great extent to which pauperism existed as mere waste paper. If his hon. and gallant Friend who had referred to the reports of the Commissioners had himself examined them with due diligence, he would have found that a large proportion of the poverty of Ireland was attributable to the neglect of the poor, and might have been avoided had there been a proper management of the labour on the large estates. As to the principle of emigration, he objected to driving men to emigrate by refusing to relieve them in their destitution, or by affording them such a miserable subsistence as to make them prefer emigration to availing themselves of it. Such a system of coercion as that converted emigration into a species of transportation. In making these remarks, he did not wish to be supposed unfavourable to emigration; he thought it was a question worthy of attention in a distinct form, with a view to ascertain what means could be adopted to encourage people to emigrate extensively. After the unions had been formed, the Government should propose some means by which the public works might be made more available; but he felt that, instead of waiting for any such measures, they were bound to proceed, unless the hon. Gentlemen opposite were prepared to state what system they had to recommend as a substitute for the bill now before them.

Mr. *Barron* said, if he understood the argument of the right hon. and learned Gentleman (Mr. Shaw) correctly, it was this, that a large number of able-bodied paupers would be supported under this bill. He (Mr. Barron) did not fear anything of the sort. The restrictions were so stringent, that they did not offer any inducement for able-bodied paupers to go into the workhouse. The first was confinement, and, looking to the character and habits of the Irish people, the very nature of relief so to be administered was a guarantee against any large number of persons applying for relief, subject to that restriction, unless under circumstances of extreme destitution. And was there any man who would wish, in cases of extreme destitution, that the people of Ireland should not be relieved under this bill? Would any man be bold enough to assert, in the face of a British House of Commons, and in the face of the Representatives of the Irish people, that the people were to starve—that they were not to live under equal laws? He would place the power of affording relief in the hands of the boards of guardians, because it was natural to suppose that those boards would be composed of the principal ratepayers in the several districts; and was it to be supposed that those persons who were the principal contributors to the rate, would be anxious to place a large number of able-bodied labourers in the House, merely for the purpose of having the pleasure of paying for their maintenance in it? He feared that the string would rather be drawn too tight than relaxed, and that the boards of guardians would say, on application for relief, that they could not afford the expense of allowing men to come into the workhouses, that they would tell them to look for work; that was what he dreaded, and not that they would place too many persons in them.

Mr. *Wrightson* begged to offer a few observations to the House, as, from the public situation he had filled, they might consider themselves entitled to an opinion from him on this subject. There were two principles now before the House; one was what might be called the narrow view of the subject, that of confining its operation to sick and impotent; the other and more comprehensive, that of including all destitute persons. The noble Lord had rejected all classification, and had placed it on the ground of destitution only. This he considered an impolitic measure. The first objection to the limited scheme was the difficulty of distinguishing between the favoured classes and the other portions of the community. But the statute of Elizabeth, and all the other English statutes, and the Scotch statutes also, proceeded upon the same principle of classification; and it was quite clear that if the authorities under the Bill went honestly to work, there could be little difficulty experienced in regard to this part of the measure. The great question, after all, was, whether it were right that a distinction should be taken, and the opinion he held upon the point, namely, that the relief to be afforded should be restricted, was by no means new. He begged to refer them to the report of the Committee of 1817—the ablest Committee, in his opinion, that had ever directed its attention to this subject. That Committee, of which Mr. Sturges Bourne was the Chairman, and Mr. Huskisson, with many other most intelligent men, were members, had told them what remedies they ought to apply to the old Poor-law. In that report reference was made to the necessity of restricting relief to the old, the blind, the lame, and the sick. Now, in considering this subject, he could not exclude from his mind the vast expense that was about being incurred in what, after all, was only stated by its advocates to be an experiment. It was an experiment that he was afraid experience would prove to them to be a very hazardous one. They had to consider that about 100,000 persons would require to be relieved; the relief could not be afforded at less than *5l.* for each person; that was half a million of money; and with this they were to recollect that the Commissioners had, through masters in Chancery, and those best qualified to give information, ascertained that the whole of the rental of Ireland did not exceed 6,000,000*l.*; so that, in their experiment, they would thus impose a property tax of ten per cent. Surely men who had capital in a country would take it somewhere else rather than leave it in a country subjected to such a tax. But let the Committee look at the more important question of wages. It was undeniable that they could not raise so large a sum as would be necessary to carry the provisions of the Bill into full effect, without trenching seriously on the sum destined to be applied in shape of wages for labour. That such was the fact was evident from the experience which they had of a similar measure in England. In the southern provinces, when the Poor-law authorities had been allowed to put their hands in the pockets of the proprietors and farmers without restraint, the effect had been to reduce the rate of wages in a ruinous degree, and thereby increase the amount of destitution. In the northern parts of the country a different course had been pursued, and the Poor-law authorities had refused relief except to certain classes, and the consequence was, that while in the south wages were reduced to a few shillings weekly, they had in the north been kept up from 12*s.* to 14*s.* He was convinced, that by the course adopted in the northern provinces, wages could be maintained at their proper amount, and by that course alone, and it was therefore highly important for the Committee to consider whether it were possible to take so large a sum as was necessary to carry this Bill into operation, from the pockets of the employers, without inflicting a serious injury upon the labouring classes in Ireland, and without creating a greater amount of destitution than at present existed, One of the greatest objections to the measure before the Committee was, in his opinion, that it amounted to a diversion, and not to a creation of funds applicable to labour. A provision was made for 100,000 paupers, but by the Bill 120,000 who were dependent on labour were placed in a worse condition than they were before. They were in fact obliged to rob the poor before they amended their condition. It appeared to him, in fact, that the whole proceedings in regard to the proposed measure were founded on a wrong opinion of the effects of legislation in ameliorating the condition of the poor. In Mr. Nicholl's report it was stated as a principle that the property of a district should find means for the relief of the poverty or destitution of that district. Now, he did not see how that principle could be followed out. Let them, for instance, apply that principle to the estate of Mr. Martin in Connemara, or to the property of Sir R. O'Donnell in the isles of Arran, and they would test its fallacy, for the destitution would totally absorb the property of these districts. Let them test the principle even by the whole country. The population of Ireland was eight millions—the rental was six millions. Now if this principle was to be followed out, the whole rental would not give more than a very insignificant trifle to each individual. In disputing the applicability of the principle laid down in Mr. Nicholl's report he meant no disrespect to that Gentleman. He had ample opportunities of witnessing his abilities, and entertained for him the highest respect. The great and radical error of a Poor-law was the attempt to stretch it too far. He was sorry to have trespassed on the time of the House so long, and he should conclude his observations by quoting the opinion of Lord Pitmilly in reference to the Poor-laws of Scotland, which fully expressed the views he entertained in regard to the Poor-laws generally. The hon. Member read an extract from a document, in his hand, in which Lord Pitmilly expressed an opinion that poor-rates should be distributed to those only who were destitute and unable to work, and contended that such a limitation of the poor-rates ought to be strictly enforced. By attempting to do too much they would be sure to fail; when they would succeed if they stopped short. He highly approved of the amendment proposed by the right hon. Gentleman opposite, and would give it his hearty support.

Mr. *Lucas* said, he had listened with pleasure to the hon. Member who had last addressed the House, and whose opinions, from his experience with respect to this subject, were entitled to attention. But the arguments of the hon. Member, whatever force they possessed, applied with equal force to the question of whether they should have a poor-law at all. That question the House had answered in the affirmative, and as the principles on which that decision was founded had been so often and so fully discussed it was not now his intention to refer to those arguments of the hon. Member opposite which applied to the general question. He concurred with the hon. Gentleman in thinking that the Government would have acted more wisely if it had adhered to the precedent which it had established in England. The hon. gentleman had said, that this would be a rash experiment, for the bill would entail upon Ireland additional expense. Now, there was one argument which weighed with him beyond all others, and that was, that, in their legislation upon this subject, they would hold out the hand of charity to the destitute. That was one principle in the bill which claimed his support; the second was, that they held out the hand of relief without legislating upon the discouraging principle to those who claimed relief and really required it. If there were any principles contained in the bill that were valuable, they were these two principles, and therefore it was, that he concurred in the necessity of supporting the progress of the bill. In the first place, they held out the hand of relief to the destitute—by this bill the destitute who were on the point of starving, would be relieved. What would be the consequence if they made a distinction? They would relieve the crippled, the sick, and the old, and they refused it to those who had no means whereby they could live. The broad and the just principle was to give relief to those who really required it. When, then, they taxed themselves, and that to no mean amount, let them do so on the broad and the noble principle that, under no circumstances of destitution, should that destitution be permitted to end in death. The discouragement principle was even inapplicable according to the case made out by his right hon. Friend. It had been said by his right hon. Friend, in attempting to draw a distinction between the classes of persons that ought to be relieved, first, that he would give no relief to the able-bodied, and yet, in the latter part of his argument, he admitted, that relief ought to be given to them in cases of destitution. His right hon. Friend's humanity would not allow him to refuse relief to the able-bodied in all cases, and, accordingly, in the progress of his speech, he was reduced to the necessity of admitting that it must be given; for, if they refused relief to the destitute, they must allow them to beg. He could not concur in the amendment of his right hon. Friend who had said, that a great deal might be done by emigration; but that, it was to be remembered, was only subsidiary to the great question. His right hon. Friend had said, that the amount of labour to be done was small, and that the number of labourers was great. The reason of this was the defective state of agriculture in Ireland, and not the want of land to employ that labour upon. He intended to oppose the amendment of his right hon. Friend.

Mr. *O'Connell* could not concur in the views of the right hon. Gentleman who had proposed the amendment, simply because he thought that right hon. Gentleman had gone farther than he ought. He should, however, support the amendment proposed, because it imposed some limitation upon what was otherwise an undefined system of poor-laws. He supported the amendment because, if carried, it would render the Poor-law less fatal to Ireland. The noble Lord, the Member for Leitrim, had endeavoured to answer the arguments, but he had not touched upon the calculations of the right hon. Gentleman; while upon this subject, the noble Lord, the Secretary for Ireland, had made a very eloquent speech—a speech in which there was a great deal of oratory, and no political economy at all. That noble Lord had read an account of a case of very great affliction; he had detailed to them a dreadful scene of destitution; he portrayed to them death caused by destitution, but of what parties was this a picture? A widow and three orphans. And yet the only question here was, whether the able-bodied poor were to be relieved. The noble Lord had told them a very pathetic tale of a widow and her orphans, but he had not touched upon the argument. The details, too, of the hon. Member for Northallerton (Mr. Wrightson) had not been touched upon. These details showed the frightful extent of the burthen that was about to be laid upon Ireland. These had not yet been met. The noble Lord had told them truly, that it was frequently very difficult to draw the distinction between poverty and destitution. How were they to relieve the poverty that existed? Was their mode of relieving poverty to reduce poverty to destitution? The noble Lord had asserted, and it had been re-echoed from more than one part of the House, that the produce of Ireland in agricultural labour was very low. Now, taking the dicta laid down in the Commissioners' Reports, and they must be admitted as authority, it appeared that there were 14,000,000 of arable acres in Ireland, and 32,000,000 in England. The produce in England was 150,000,000 quarters, and of the 14,000,000 of acres in Ireland, the produce was only 34,000,000 quarters; that was, two and a-half quarters per acre was the produce of the one, and four and a-half the produce of the other. But then they were told, that a Poor-law would stimulate produce. How? by persons having some interest in diminishing the number of paupers. But had not persons at this moment an interest—had not every occupier of land an interest—in making the produce as large as possible? Had they not already the stimulant of individual interest? Why, then, was not Ireland more productive? Because there was not capital there to be applied to agriculture. If they had capital in the same quantity as in England, not only would the produce of Ireland be as great, proportionably, as that of England, but it would be confessedly more. Now, what was the remedy they applied to Ireland? They took away part of its capital; to improve the country they deprived it of that of which it had so little, and which it most wanted. Half a million was the calculation of the hon. Member for Northallerton. He believed it would be a million at least. They were aware of the evil which existed, that every shilling paid in poor-rates was taken from capital, and the power was thereby diminished of applying so much money to wages. He had trespassed upon the House so often on this subject, that he did not wish to weary their patience further. Those who were favourable to it admitted that it was an experiment. Then how was the experiment to be made? How ought it to be made? Was it all at once? Should not an experiment be gradual? They ought to recollect that, having once made it, they could not diminish it; but they might easily increase it. Let them, then, take the experiment as proposed by the right hon. Gentleman, and if it failed, less mischief would occur; while, by taking the larger, and its failing, it would create the greater confusion and disaffection. He spoke of the principle of the Poor-law, that was, of having a provision for the poor; but the poverty that existed could not be mitigated by a tax. The evils of Ireland lay infinitely deeper. There was not a sufficient number of resident landlords. The instance of the hon. and gallant Member for Donegal showed what benefit could be conferred upon the country by resident landlords. Nine-tenths of the fee-simple of Ireland belonged to absentees, and three-fourths of the income of Ireland were transmitted to them. Let them make the experiment on the scale proposed by the right hon. Gentleman, or let them mitigate the scale proposed for a poor-law for Ireland. By adopting that now submitted to them, they would be acting on the legal principle laid down in the 43rd Elizabeth, and which had been broken in upon by reason of the particular clause; that was, compelling parishes to find work for the able-bodied. Any concession made in the argument by the right hon. Gentleman could not impugn the principle proposed by him, and which was already known to all. If they began the experiment in the way that was proposed, they would begin it in a manner which would prove the least mischievous. The hon. Member for Monaghan had talked of affording relief to all. Now, he asked, would it not be mere mockery to talk of affording relief to all if they did not give relief to all; and if they did do that, would any man in that House be hardy enough to deny that it would not be a tax upon property, but a confiscation of property? The Bill proposed to do no such thing; it was only to give relief to a select few. The Bill held out a hope of relief to all; it would cause disappointment to many, it would increase irritation, and not soothe the feelings of any. He wished the House to make the experiment on the plan proposed by the right hon. Gentleman.

Mr. *Poulett Scrope* wished to say a few words in answer to the arguments of the hon. Member for Northallerton. The hon. Member asserted, that any fund raised for the support of the poor was a tax on the property of the country—in fact, on productive industry. The same argument might be applied to any tax whatever. In his opinion, a poor-law was a measure of police, and the absence of a poor-law froze up the various sources of industry in Ireland. If the security for life and property which such a measure would give existed in Ireland, capital and enterprise would soon find their way into that country. At present, English capitalists were terrified from speculating there, lest their farms should be inundated by the destitute able-bodied, a contingency which was always to be found in a country where that class had no legal means of relief. He maintained that the relief of the able-bodied labourer was by far the most important part of this Bill. If in any district in Ireland where mendicancy now prevailed, a provision for the relief of the destitute was introduced, English capital would soon find its way there, and not only English but Irish; as it was well known that at present upwards of a million annually of Irish capital was invested in the English funds, in consequence of the risk of investing it in trade or agriculture in Ireland. If they refused relief to the able-bodied labourer, he must starve; and in twenty-four hours he would be sick as well as destitute, and relief would then be imperative. He would, however, admit that auxiliaries, such as emigration and public works, would be absolutely necessary to the efficient working of this Bill.

Sir *Edward Sugden* agreed with the hon. and learned Member for Dublin, that the principal want of Ireland was capital. She wanted repose and capital, but repose must be the first procured, and he supported this Bill because he thought it was likely to produce the repose which would inevitably lead to the introduction of capital. The hon. Member for Northallerton struck at the root of all provision. He stated that if they took from the productive classes they would reduce the wages of the country. Such an argument would apply to all poor-laws. In his opinion, if the poor were left unemployed, their energies would be directed to a bad purpose, and he thought that funds could not be better employed than in relieving their destitution, and thus appropriating to a useful purpose that machinery of labour which was now completely in abeyance. There was great destitution at present, which was relieved by the poorer classes, and the question was, whether it were better to have the burthen of that relief equalised. It appeared to him that by a poor-law they merely transferred the burthen of relief from individual charity to the public. He could not but think that a poor-law would have a great effect in reducing crime in Ireland. If they refused relief to an able-bodied labourer, who could not get work, he need only say, "Wait a bit, I can't get work; but if you think I am too stout, shut your door, and in two or three days, I shall be in the state in which you must grant me relief." It would be preposterous thus to bring a man down to sickness and misery previous to relieving him. It was said, that this measure would relieve but a small portion of the destitute, but he believed that if 80,000 were relieved at a time a great number would be relieved in the course of the year.

Captain *Jones* was disposed to concur in the views taken upon the subject by the right hon. Member for the University of Dublin. As the bill stood, it allowed persons in a state of destitution to make a claim for relief, but it did not give them any title to relief, but left the guardians at liberty to say whether they would give them relief or not. With regard to the objection which had been urged, that it would be impossible to draw the line between the able-bodied and the sick, he would observe that there would be a medical officer in each union, and he would be enabled to say whether a man applying for relief, would be able to work or not.

Mr. *Ellis* thought, that the able-bodied poor might be admitted into the workhouse, and he was borne out in taking that view of the question by the opinion expressed by the hon. and learned Member for Dublin, that no Irishman would consent to be deprived of his liberty unless he was driven to it by sheer, dire, necessity. If the Parliament provided relief only for the sick and infirm, he really thought that, as had been observed, they should give the bill another title, and call it a bill for the extension and better regulation of hospitals in Ireland. The bill provided for the suppression of mendicancy; but what right had they to punish a man for vagrancy unless they gave him the means of subsistence? He maintained that every state was bound to provide for all of its members who were in a state of destitution, without making distinctions as to age and sickness.

Mr. *Wyse* had not seen, during the whole course of this discussion, any rule laid down as to what was the nature and extent of the powers which were vested by the bill in the board of guardians with regard to the distribution of relief. He wished to know whether it was intended that free action should be given to the guardians in contradistinction to the Commissioners, or whether they should have a law of settlement, by which encouragement might be given to well intentioned landlords.

Mr. *W. Miles* opposed the amendment. He admired the emigration clause in this bill, but he wished that the noble Lord had introduced in preference to this measure the 43rd of Elisabeth. He also desired to see the measure accompanied by a large grant for the purpose of providing useful labour for the Irish peasantry: and felt quite assured that had the noble Lord introduced such a proposition, he would have been cheerfully supported by the people of England.

Lord *John Russell* said, that if the proposition of the right hon. Gentleman, the Member for the University of Dublin, only conferred upon the people of Ireland one half of the benefits to be derived from the bill, while it went to impose upon them one-half of its burden, he might have been disposed to listen to it; but his opinion of the proposition was, that while it would subject them to at least three-fourths of the burden, it would not enable them to participate in more than one-fourth of the benefits. The erection alone of workhouses in different parts of Ireland, together with the expenses necessarily contingent upon their maintenance, would be in itself a great burden. But in respect of destitution, as well as of police, the measure recommended by the right hon. Gentleman would undoubtedly fail; for it was notorious that in Ireland there was a very large class of persons in a state of utter destitution, who were totally unable to obtain work. Yet if the right hon. Gentleman’s proposition were entertained by the House, they would be establishing the harsh principle that because individuals in a state of destitution, possessed bodily powers which rendered them capable of working, they were not to receive relief upon the one hand, although it was impossible for them to obtain employment on the other.

The Committee divided on the amendment:—Ayes 75; Noes 134: Majority 59.

List of the AYES.

Adare, Visct.
Archbold, R.
Bagge, W.
Baring, H. B.
Bateman, J.
Blennerhassett, A.
Brabazon, Lord
Broadwood, Henry
Buller, Sir J. Y.
Castlereagh, Visct.
Chapman, Sir M.L.C.
Chester, H.
Cole, hon. A. H.
Cole, Visct.
Compton, H. C.
Coote, Sir C. H.
Corry, hon. H.
Curry, W.
Dalrymple, Sir A.
De Horsey, S. R.
Dick, Q.
Dungannon, Visc.
Evans, G.
Fergusson, Sir. R. A.
Fitzsimon, N.
Forbes, W.
Forester, hon. G.
Glynne, Sir S. R.
Grattan, H.
Greene, T.
Grimston, Visct.
Hayes, Sir E.
Henniker, Lord
Herbert, hon. S.
Howard, P. H.
Hutton, R.
Jackson, Mr. Sergt.
Jephson, C. D. O.
Jones, T.
Lefroy, rt. hon. T.
Litton, E.
Lockhart, A M.
Mackenzie, T.
Maxwell, H.
Meynell, Captain
Miles, W.
Moneypenny, T. G.
Nagle, Sir R.
O’Connell, D.
O’Connell, M. J.
O’Connell, M.
Packe, C. W.
Parker, T. A. W.
Peel, J.
Perceval, Colonel
Polhill, F.
Power, J.
Pryme, G.
Rushbrooke, Colonel
Sandon, Viscount
Stewart, J.
Thornhill, G.
Vere, Sir C. B.
Verner, Colonel
Villiers, Viscount
Westenra, hon. R. H.
Westenra, hon. J. C.
White, L.
White, S.
Wood, T.
Wrightson, W. B.
Wynn, rt. hon. C. W.
Young, J.

TELLERS.

Shaw, F.
Conolly, Col.

List of the NOES.

Acland, Sir T.
Acland, T. D.
Adam, Sir C.
Aglionby, H. A.
Ainsworth, P.
Alsager, Captain
Bailey, J., jun.
Baring, F. T.
Barneby, J.
Barrington, Viscount

Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bentinck, Lord G.
Berkeley, hon. H.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bramston, T. W.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bruges, W. H. L.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Campbell, Sir H.
Chalmers, P.
Clements, Viscount
Craig, W. G.
Crompton, S.
Darby, G.
Douglas, Sir C. E.
Duke, Sir J.
Eaton, R. J.
Ebrington, Viscount
Elliot, hon. J. E.
Ellis, J.
Finch, F.
Fitzalan, Lord
Fitzroy, hon. H.
Fort, J.
Gladstone, W. E.
Gordon, R.
Grattan, J.
Greenaway, C.
Grey, Sir G.
Grimsditch, T.
Grimston, E. H.
Hastie, A.
Hawkes, T.
Hayter, W.
Hinde, J. H.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Howard, F. J.
Howick, Visct.
Hughes, W. B.
Hume, J.
Hurt, F.
Irton, S.
Kemble, H.
Kinnaird, hon. A. F.
Knight, H. G.
Langdale, hon. C.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lowther, J.
Lucas, E.
Maher, J.
Mahony, P.
Marsland, H.
Maule, W. H.
Morpeth, Viscount
Morris, D.
O'Brien, W. S.
O'Callaghan, hon. C.
Pakington, J. S.
Pease, J.
Peel, Sir R.
Philips, M.
Phillpotts, J.
Plumptre, J. P.
Price, Sir R.
Pusey, P.
Redington, T. N.
Rice, E. R.
Rickford, W.
Roche, E.
Roche, W.
Rolfe, Sir R. M.
Round, C. G.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Salwey, Colonel
Scrope, G. P.
Sinclair, Sir G.
Smith, R. V.
Somerville, Sir W. M.
Stanley, E. J.
Stanley, M.
Stansfield, W. R. C.
Stewart, R.
Stuart, Lord J.
Stuart, V.
Strutt, E.
Sugden, Sir E.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornley, T.
Tollemache, F. J.
Tufnell, H.
Verney, Sir H.
Vigors, N. A.
Vivian, Major C.
Vivian, J. H.
Vivian, right hon. Sir R. H.
Walker, R.
White, A.
Wilkins, W.
Williams, W.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Parker, J.
Seymour, Lord

Amendment negatived.

The clause to stand part of the Bill.

The House resumed, the Committee to sit again.

HOUSE OF LORDS,

Tuesday, February 20, 1838.

MINUTES.] Bills. Read a second time:—Waterford House of Industry; Transfer of Aid; Exchequer Bills.—Received the Royal Assent:—Trading Co-partnership.

Petitions presented. By the Earl of DURHAM, from a place in Durham, by the Duke of CLEVELAND, from Sudbury, by Lord RAYLEIGH, from a place in Essex, by Lord FOLEY, from Worcester and Bewdley, and by the Earl of HUNTINGDON, from Milden-Hall, Walton on the Willows, Bath, Feversham, and Bury, for the abolition of Negro Apprenticeship.

NEGRO EMANCIPATION.] Lord *Brougham* spoke as follows*:—I do not think, my Lords, that ever but once before in the whole course of my public life, I have risen to address either House of Parliament with the anxiety under which I labour at this moment. The occasion to which alone I can liken the present, was, when I stood up in the Commons to expose the treatment of that persecuted missionary whose case gave birth to the memorable debate upon the condition of our Negro brethren in the Colonies—a debate, happily so fruitful of results to the whole of this great cause. But there is this difference between the two occasions to sustain my spirits now, that whereas at the former period, the horizon was all wrapt in gloom, through which not a ray of light pierced to cheer us, we have now emerged into a comparatively bright atmosphere, and are pursuing our journey full of hope. For this we have mainly to thank that important discussion, and those eminent men who bore in it so conspicuous a part. And now I feel a further gratification in being the means of enabling your Lordships, by sharing in this great and glorious work, nay, by leading the way towards its final accomplishment, to increase the esteem in which you are held by your fellow-citizens; or if by any differences of opinion on recent measures, you may unhappily have lost any portion of the public favour, I know of no path more short, more sure, or more smooth, by which you may regain it. But I will not rest my right to your co-operation upon any such grounds as these. I claim your help by a higher title. I rely upon the justice of my cause—I rely upon the power of your consciences—I rely upon your duty to God and to man—I rely upon your consistency with yourselves—and appealing to your own measure of 1833, if you be the same men in 1838, I call upon you to finish your own work, and give at length a full effect to the wise and Christian principles which then guided your steps.

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* From a corrected report published by Ridgway: the speech being inscribed to the Marquess of Sligo, late Governor and Captain-General of Jamaica.

I rush at once into the midst of this great argument—I drag before you once more, but I trust for the last time, the African Slave Trade which I lately denounced here, and have so often elsewhere. On this we are all agreed. Whatever difference of opinion may exist on the question of Slavery, on the Slave traffic there can be none. I am now furnished with a precedent which may serve for an example to guide us. On slavery, we have always held, that the Colonial Legislatures could not be trusted; that, to use Mr. Canning's expression, you must beware of allowing the masters of slaves to make laws upon slavery. But upon the detestable traffic in slaves, I can show you the proceeding of a Colonial Assembly which we should ourselves do well to adopt after their example. These masters of slaves, not to be trusted on that subject, have acted well and wisely on this. I hold in my hand a document, which I bless heaven that I have lived to see. The Legislature of Jamaica, owners of slaves, and representing all other slave owners, feel, that they also represent the poor Negroes themselves: and they approach the Throne, expressing themselves thankful—tardily thankful, no doubt—that the traffic has been now for thirty years put down in our own colonies, and beseeching the Sovereign to consummate the great work by the only effectual means of having it declared piracy by the law of nations, as it is robbery, and piracy, and murder, by the law of God. This address is precisely that which I desire your Lordships now to present to the same gracious Sovereign. After showing how heavily the Foreign Slave Trade presses upon their interests, they take higher ground in this remarkable passage:—

> "Nor can we forego the higher position, as a question of humanity; representing all classes of the island, we consider ourselves entitled to offer to your Majesty our respectful remonstrance against the continuance of this condemned traffic in human beings. As a community, composed of the descendants of Africa as well as Britain, we are anxious to advance the character of the country, and we, therefore, entreat your Majesty to exert your interest with foreign Powers to cause this trade at once to be declared piracy, as the only effectual means of putting it down, and thereby to grace the commencement of your auspicious reign."

My Lords, I will not stop to remind the lawgivers of Jamaica, why it is, that the slave traffic is a crime of so black a die. I will not remind them that if slavery were no more, the trade in slaves must cease; that if the West Indies were like England peopled with free men, and cultivated only by free hands, where no man can hold his fellow-creature in bondage, and the labourer cannot be tormented by his masters; if the cartwhip having happily been destroyed, the doors of the prison-house were also flung open, and chains, and bolts, and collars were unknown, and no toil endured but by the workman's consent, nor any effort extorted by dread of punishment; the traffic which we justly call not a trade but a crime, would no longer inflict the miseries with which it now loads its victims, who instead of being conveyed to a place of torture and misery, would be carried into a land of liberty and enjoyment. Nor will I now pause to consider the wishes of some colonies, in part, I am grieved to say, granted by the Government, that the means should be afforded them of bringing over what they call labourers from other parts of the globe, to share in the sufferings of slavery, hardly mitigated under the name of apprenticeship. That you should ever join your voices with them on this matter, is a thing so out of the question, that I will not detain you with one other remark upon it. But so neither have I any occasion to go at present into the subject of the slave trade altogether, after the statements which I lately made in this place upon the pernicious effects of our head-money, the frightful extent of the negro traffic, and the horrible atrocities which mark its course still more awfully now than before. In order to support my call upon your Lordships for the measures which alone can extirpate such enormities, I need but refer you to those statements. Since I presented them here, they have been made public, indeed promulgated all over the kingdom, and they have met with no contradiction, not excited the least complaint in any quarter, except that many have said the case was understated;

and that in one place, and only in one, I have been charged with exaggeration. I have read with astonishment, and I repel with scorn, the insinuation, that I had acted the part of an advocate, and that some of my statements were coloured to serve a cause. How dares any man so to accuse me? How dares any one, skulking under a fictitious name, to launch his slanderous imputations from his covert? I come forward in my own person. I make the charge in the face of day. I drag the criminal to trial. I openly call down justice on his head. I defy his attacks. I defy his defenders. I challenge investigation. How dares any concealed adversary to charge me as an advocate speaking from a brief, and misrepresenting the facts to serve a purpose? But the absurdity of this charge even outstrips its malice. I stated that the Negroes were thrown overboard in pairs during a chase to lighten the ship and enable her to escape; thrown overboard in fetters, that they might sink, and not be witnesses against the murderers. The answer is, that this man, if man he be, had been on board slave ships, and never seen such cruelties. I stated that the fetters were not locked, but riveted in the forge. The answer is, that the writer had been on board of slave vessels, and seen fetters which were locked, and not riveted. How dares any man deny a statement made upon authority referred to by name, on such a trumpery story as this? As well might he argue that a murder, sworn to by fifty or a hundred credible witnessess, had never been committed, because some one came forward and said he had not seen it done. Did I not give the particulars? Did I not avouch my authority? Did I not name the gallant officer from whose official report, printed and published, my account was taken? Did I not give the respected name of Commodore Hayes, one of the best esteemed officers in her Majesty's service? I, indeed, understated the case in many particulars. But, my Lords, if I have not been chargeable with exaggeration—if all who took part in the former debate, whether in or out of office, agreed in acquitting me of that—so neither shall I be charged for the future with understating the atrocities of the case. What I then withheld, I will now tell—and not keeping back my authority now any more than I did before, I appeal to my noble Friend near me (Lord Sligo) for the truth of the appalling story, himself a planter, and an owner of slaves. I ask him if he did not know a vessel brought in with a cargo of 180 or 200 wretched beings jammed into a space three feet and a half in height. [Lord *Sligo:* Two and a half.] There, my Lords, I am understating again. Into that space of two feet and a half between the decks that number of miserable creatures were jammed, like inanimate lumber, certainly in a way in which no Christian man would crowd dumb animals. My noble Friend will say whether or not that vessel, whose slaves had never been released, or even washed, or in any way cleansed, since it left the African coast, presented an intolerable nuisance to all the senses—a nuisance unfit for any description. Nor is this all. I will be chargeable with understatement no more. The ophthalmia had broken out among the poor creatures thus kept in unspeakable torment; and as often as any one was seized, instead of affording him any medical or other assistance, he was instantly cast overboard, and sunk in his chains, with the view of stopping the infection. I will understate things no more. I said before that as many as 700 slaves were carried across the sea in one ship; there I stopped, for to those who know what a slave ship is, this sufficed to harrow up every feeling of the soul. But another vessel brought away, first and last, in one voyage, 980 miserable, unoffending, simple beings, and of this number, without any chase, or accident, or violence, or any acts of wholesale murder, such as those we have been contemplating, 600 perished in the voyage, through the hardships and sufferings inseparably connected with this execrable traffic. Of 2,300 or 2,400 carried away by four other ships, no less than 1,500 perished in like manner, having fallen a sacrifice to the pestilential hold. How this enormous crime of these foreign nations is to be rooted out I know full well. You must no longer treat it as a mere contraband trade—no longer call murder smuggling, or treat pirates as offenders against the revenue laws. As long as our slave traders were so dealt with they made this calculation—"If we escape three times in four, our profits are so large that the seizure and confiscation can be well afforded; nay, even if we are taken as often as we escape, the ships netting 20, 30, even as much as 50 and 60,000*l.* a voyage, we can well afford to lose 1,500*l.* or 2,000*l.* when the adventure fails." So they ran the risk, and on a calculation of profit and loss were fully justified. But I had in 1811 the singular happiness of laying the axe to the root of this detestable system. I stopped all those calculations by making the trade felony, and punishing it as such; for well I knew that they who would run the risk of capture when all they could suffer by it was a diminution of their profits, would be slow to put their heads in the noose of the halter which their crimes so richly deserved. The measure passed through all its stages in both Houses without one dissenting voice; and I will venture to assert, that ever since, although English capital, I have too much reason to think, finds its way into the foreign slave trade, no Englishman is concerned directly with it in any part of the world. Trust me, the like course must be taken if we would put an end to the same crimes in other countries. Piracy and murder must be called by their right names, and visited with their appropriate penalties. That the Spanish and Portuguese traders now make the same calculations which I have been describing is a certain fact. I will name one—Captain Inza, of the ship Socorro, who, on being captured, had the effrontery to boast that he had made fourteen slave voyages, and that this was the first time he had been taken. Well might he resolve to run so slight a risk for such vast gains; but had the fate of a felon-pirate awaited him, not all the gains which might tempt his sordid nature would have prevailed upon him to encounter that hazard.

I formerly recounted instances of murder done by wholesale in the course of the chase of our cruisers. I might have told a more piteous tale; and I will no longer be accused of understating this part of the case either. Two vessels were pursued. One after another negroes were seen to be thrown overboard to the number of 150, of all ages—the elder and stronger ones loaded with their fetters, to prevent them from swimming or floating—the weaker were left unchained to sink or expire; and this horrible spectacle was presented to the eyes of our cruisers' men—they saw, unable to lend any help, the water covered with those hapless creatures, the men sinking in their chains—the women, and—piteous sight!—the infants and young children struggling out their little strength in the water till they, too, were swallowed up and disappeared!

I now approach a subject, not, indeed, more full of horrors, or of greater moment, but on which the attention of the people has for some time past been fixed with an almost universal anxiety, and for your decision upon which they are now looking with the most intense interest, let me add, with the liveliest hopes. I need not add that I mean the great question of the condition into which the slaves of our colonies were transferred as preparatory to their complete liberation—a subject upon which your table has been loaded with so many petitions from millions of your fellow-countrymen. It is right that I should first remind your Lordships of the anxious apprehensions which were entertained in 1833, when the Act was passed, because a comparison of those fears with the results of the measure, will form a most important ingredient of the argument which I am about to urge for the immediate liberation of the apprentices. I well remember how uneasy all were in looking forward to the 1st of August, 1834, when the state of slavery was to cease, and I myself shared in those feelings of alarm when I contemplated the possible event of the vast, but yet untried, experiment. My fears proceeded first from the character of the masters. I knew the nature of man, fond of power, jealous of any interference with its exercise, uneasy at its being questioned, offended at its being regulated and constrained, averse above all to have it wrested from his hands, especially after it has been long enjoyed, and its possession can hardly be severed from his nature. But I also am aware of another and a worser part of human nature. I know that whoso has abused power, clings to it with a yet more convulsive grasp. I dreaded the nature of man prone to hate whom he has injured—because I knew that law of human weakness which makes the oppressor hate his victim, makes him who has injured never forgive, fills the wrong doer with vengeance against those whose right it is to vindicate those injuries on his own head. I knew that this abominable law of our evil nature was not confined to different races, contrasted hues, and strange features, but prevailed also between white man and white—for I never yet knew any one hate me, but those whom I had served, and those who had done me some grievous injustice. Why, then, should I expect other feelings to burn within the planter's bosom, and govern his conduct towards the unhappy beings who had suffered so much and so long at his hands? But on the part of the slaves I was not without some anxiety when I considered the corrupting effects of that degrading system under which they had for ages groaned, and recognised the truth of the saying in the first and the earliest of profane poets, that "the day which makes a man a slave robs him of half his value." I might well think that the West India slave offered no exception to this maxim; that the habit of compulsory labour might have incapacitated him from voluntary exertion; that over much toil might have made all work his aversion; that never having been accustomed to provide for his own wants, while all his supplies were furnished by others, he might prove unwilling or unfit to work for himself, the ordinary inducements to industry never having operated on his mind. In a word, it seemed unlikely that long disuse of freedom might have rendered him too familiar with his chains to set a right value on liberty; or that, if he panted to be free, the sudden transition from the one state to the other, the instantaneous enjoyment of the object of his desires, might prove too strong for his uncultured understanding, might overset his principles, and render him dangerous to the public peace. Hence it was, that I entertained some apprehensions of the event, and yielded reluctantly to the plan proposed of preparing the negroes for the enjoyment of perfect freedom by passing them through the intermediate state of indentured apprenticeship. Let us now see the results of their sudden though partial liberation, and how far those fears have been realised; for upon this must entirely depend the solution of the present question—Whether or not it is safe now to complete the emancipation, which, if it only be safe, we have not the shadow of right any longer to withhold.—Well, then, let us see.

The 1st of August came, the object of so much anxiety and so many predictions—that day so joyously expected by the poor slaves, so sorely dreaded by their hard taskmasters; and surely, if ever there was a picture interesting, even fascinating to look upon—if ever there was a passage in a people's history that redounded to their eternal honour—if ever triumphant answer was given to all the scandalous calumnies for ages heaped upon an oppressed race, as if to justify the wrongs done them—that picture, and that passage, and that answer were exhibited in the uniform history of that auspicious day all over the islands of the Western sea. Instead of the horizon being lit up with the lurid fires of rebellion, kindled by a sense of natural though lawless revenge, and the just resistance to intolerable oppression—the whole of that wide-spread scene was mildly illuminated with joy, contentment, peace, and goodwill towards men. No civilised nation, no people of the most refined character, could have displayed after gaining a sudden and signal victory, more forbearance, more delicacy, in the enjoyment of their triumph, than these poor untutored slaves did upon the great consummation of all their wishes which they had just attained. Not a gesture or a look was seen to scare the eye—not a sound or a breath from the negro's lips was heard to grate on the ear of the planter. All was joy, congratulation and hope. Everywhere were to be seen groups of these harmless folks assembled to talk over their good fortunes; to communicate their mutual feelings of happiness; to speculate on their future prospects. Finding that they were now free in name, they hoped soon to taste the reality of liberty. Feeling their fetters loosened they looked forward to the day which should see them fall off, and the degrading marks which they left be effaced from their limbs. But all this was accompanied with not a whisper that could give offence to the master by reminding him of the change. This delicate, calm, tranquil joy, was alone to be marked on that day over all the chain of the Antilles.—Amusements there were none to be seen on that day—not even their simple pastimes by which they had been wont to beguile the hard hours of bondage, and which reminded that innocent people of the happy land of their forefathers, whence they had been torn by the hands of christian and civilised men. The day was kept sacred as the festival of their liberation; for the negroes are an eminently pious race. They enjoy the advantages of much religious instruction and partake in a large measure of spiritual consolation. These blessings they derive not from the ministrations of the Established Church—not that the aid of its priests is withheld from them, but the services of others, of zealous missionaries, are found more acceptable and more effectual, because they are more suited to the capacity of the people. The meek and humble pastor, although perhaps more deficient in secular accomplishments, is far more abounding in zeal for the work of the vineyard, and being less raised above his flock, is better fitted to guide them in the path of religious duty. Not made too fine for his work by pride of science, nor kept apart by any peculiar refinement of taste, but inspired with a fervent devotion to the interests of his flock, the missionary pastor lives but for them; their companion on the week-day, as their instructor on the Sabbath; their friend and counsellor in temporal matters, as their guide in spiritual concerns. These are the causes of the influence he enjoys—this the source from whence the good he does them flows. Nor can I pass by this part of the West Indian picture without rendering the tribute of heartfelt admiration which I am proud to pay, when I contemplate the pious zeal, the indefatigable labours of these holy and disinterested men; and I know full well that if I make my appeal to my noble Friend (Lord Sligo) he will repeat the testimony he elsewhere bore to the same high merits, when he promulgated his honest opinion that "for the origin of all religious feeling among the negroes, it is among the missionaries, and not the clergy, we must look." Therefore it was, that fourteen years ago I felt all the deep anxiety to which I this night began by referring, when it was my lot to drag before the Commons of England the persecutors of one among the most useful, most devoted and most godly, of that inestimable class of men, who for his piety and his self-devotion had been hunted down by wicked men conspiring with unjust judges, and made to die the death for teaching to the poor negroes the gospel of peace. I am unspeakably proud of the part I then took; I glory mightily in reflecting that I then struck, aided and comforted by far abler men,* the first of those blows, of which we are now aiming the last, at the chains that bind the harmless race of our colonial peasantry. The 1st of August came—and the day was kept a sacred holiday, as it will ever be kept to the end of time throughout all the West Indies. Every church was crowded from early dawn, with devout and earnest worshippers. Five or six times in the course of that memorable Friday were all those churches filled and emptied in succession by multitudes who came, not coldly to comply with a formal ceremonial, not to give mouth worship or eye worship, but to render humble and hearty thanks to God for their freedom at length bestowed. In countries where the bounty of nature provokes the passions, where the fuel of intemperance is scattered with a profuse hand, I speak the fact when I tell that not one negro was seen in a state of intoxication. Three hundred and forty thousand slaves in Jamaica were at once set free on that day, and the peaceful festivity of these simple men was disturbed only on a single estate, in one parish, by the irregular conduct of three or four persons, who were immediately kept in order, and tranquillity in one hour restored.

But the termination of slavery was to be the end of all labour; no man would work unless compelled—much less would any one work for hire. The cart-whip was to resound no more—and no more could exertion be obtained from the indolent African. I set the fact against these predictions. I never have been in the West Indies; I was one of those whom under the name of reasoners, and theorists, and visionaries, all planters pitied for incurable ignorance of colonial affairs; one of those who were forbidden to meddle with matters of which they only could judge who had the practical knowledge of experienced men on the spot obtained. Therefore I now appeal to the fact—and I also appeal to one who has been in the West Indies, is himself a planter, and was an eye-witness of the things upon which I call for his confirmatory testimony. It is to my noble Friend (Lord Sligo) that I appeal. He knows, for he saw, that ever since slavery ceased, there has been no want of inclination to work in any part of

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* The great exertions on that memorable occasion of Lord Chief Justice Denman, Dr. Lushington, and others, are well known; and the report of the interesting debate does them justice. But no one from merely reading it can form an adequate idea of Mr. Justice Williams's admirable speech, distinguished alike for closeness of argument and for the severity of Attic taste.

Jamaica, and that labour for hire is now to be had without the least difficulty by all who can afford to pay wages—the apprentices cheerfully working for those who will pay them, during the hours not appropriated to their masters. My noble Friend made an inquisition as to the state of this important matter in a large part of his government; and I have his authority for stating, that, in nine estates out of ten, labourers for hire were to be had without the least difficulty. Yet this was the people of whom we were told with a confidence that set all contradiction at defiance, with an insulting pity for the ignorance of us who had no local experience, that without the lash there would be no work done, and that when it ceased to vex him, the African would sink into sleep. The prediction is found to have been ridiculously false; the negro peasantry is as industrious as our own; and wages furnish more effectual stimulus than the scourge. Oh! but, said the men of colonial experience—the true practical men—this may do for some kinds of produce. Cotton may be planted—coffee may be picked—indigo may be manufactured—all these kinds of work the negro may probably be got to do; but, at least, the cane will cease to grow—the cane-piece can no more be hoed—nor the plant be hewn down—nor the juice boiled—and sugar will utterly cease out of the land. Now let the man of experience stand forward—the practical man, the inhabitant of the colonies—I require that he now come forth with his prediction, and I meet him with the fact—let him but appear and I answer for him, we shall hear him prophesy no more. Put to silence by the fact, which even these confident men have not the courage to deny, they will at length abandon this untenable ground. Twice as much sugar by the hour were found on my noble Friend's inquiry (Lord Sligo) to be made since the apprenticeship as under the slave-system, and of a far better quality; and one planter on a vast scale has said that, with twenty free labourers he could do the work of a hundred slaves. But linger not on the islands where the gift of freedom has been but half bestowed—look to Antigua and Bermuda, where the wisdom and the virtue has been displayed, of at once giving complete emancipation. To Montserrat, the same appeal might have been made, but for the folly of the Upper House, which threw out the bill passed in the Assembly by the representatives of the planters. But in Antigua and Bermuda, where for the last three years and a half there has not even been an apprentice—where all have been at once made as free as the peasantry of this country—the produce has increased, not diminished, and increased notwithstanding the accidents of bad seasons, droughts, and fires.

But then we were told by those whose experience was reckoned worth so much more than our reasoning, that even if by some miracle industry should be found compatible with liberty, of which indeed we in our profound ignorance of human nature, had been wont to regard it as the legitimate offspring; at all events, the existence of order and tranquillity was altogether hopeless. After so long being inured to the abject state of slavery, its sudden cessation, the instant transition from bondage to freedom, must produce convulsions all over the colonies, and the reign of rebellion and anarchy must begin. Not content with reasoning, the practical men condescended to tax their luxuriant imagination for tropes to dazzle and delude whom their arguments might fail to convince. The child could not walk alone if his leading-strings were cut away—the full-grown tree could not be transplanted—the limbs cramped by the chain could not freely move—the maniac might not safely be freed from the keeper's control—and Mr. Windham used to bring the play of his own lively fancy upon the question, and say that if it was a cruel thing to throw men out of the window, he saw no great kindness in making up for the injury you had done by throwing them back again into the house. Alas! for all those prophecies—and reasonings—and theories—and figures of speech. The dawn of the 1st of August chased away the phantoms, and instead of revolt and conspiracy, ushered in order and peace. But the fanciful men of experience, the real practical visionaries of the West Indies—though baffled were not defeated. Only wait, they said, till Christmas—all who know the negro character then dread rebellion—all experience of negro habits shews that to be the true season of revolt.—We did wait till Christmas—and what happened? I will go to Antigua, because there the emancipation began suddenly without any preparatory state of apprenticeship—with no gradual transition but, the chains knocked off at once, and the slave in an instant set free. Let then the men of practical experience hear the fact. For the first time these thirty years on that day, Christmas 1834, martial law was not proclaimed in Antigua. You call for facts; here is a fact—a fact that speaks volumes. You appeal to experience—here is our experience, your own experience; and now let the man who scoffed at reasoning—who laughed us to scorn as visionaries, deriding our theories as wild fancies, our plans of liberty as frantic schemes which never could be carried into effect, whose only fruit must be wide-spreading rebellion, and which must entail the loss of all other colonies—let him come forward now; I dare him to deny one of the statements I have made. Let those who thought the phrases "Jamaica planter"—"colonial interest"—"West Indian residence"—flung into the scale of oppression, could make that of mercy and freedom kick the beam—let them now hear the fact and hold their peace; the fact that neither on the first day of emancipation, nor on the Christmas following the negro festival, was there any breach of the peace committed over all the West Indian world. Then, after these predictions had all failed—these phantasies been all dispelled—the charges against the negro race been thoroughly disproved—surely we might have looked for a submission to the test of experience itself, from the men of experience, and an acquittal of those so unjustly accused, after the case against them had been so signally defeated. No such thing. The accusers, though a second time discomfited, were not subdued; and there was heard a third appeal to a future day—an appeal which had I not read it in print, and heard of it in speeches, I could not have believed possible. Only wait, said these planters, till the anniversary of the 1st of August, and then you will witness the effects of your rash counsels! Monstrous effort of incurable prejudice — almost judicial blindness! As if they whom the event of liberation itself could not excite to commit the least disorderly act, would be hurried into rebellion by the return next year of the day on which it had happened; and having withstood all temptation to irregular conduct in the hour of triumph, would plunge into excess in celebrating its anniversary! I will not insult the understandings of your Lordships by adding that this prediction shared the fate of all the rest. And are we then now to set at nought all the lessons of real and long continued and widely-extended experience? Are we never to profit by that of which we are for ever to prate? I ask you not to take advantage of other men's experience, by making its fruits your own—to observe what they have done or have suffered, and wise by the example, to follow or to avoid. That indeed is the part of wisdom, and reflecting men pride themselves upon pursuing such a course. But I ask nothing of the kind—my desires are more humble—my demand is more moderate far. I only ask you to be guided by the results of your own experience, to make some gain by that for which you have paid so costly a price. Only do not reject the lesson which is said, in the book you all revere, to teach even the most foolish of our foolish kind; only shew yourselves as ready to benefit by experience as the fool whom it proverbially is able to teach—and all I desire is gained.

But now, my Lords, my task is accomplished, my work is done. I have proved my case, and may now call for judgment. I have demonstrated every part of the proposition which alone it is necessary that I should maintain, to prove the title of the apprentice to instant freedom from his task-masters, because I have demonstrated that the liberation of the slave has been absolutely, universally safe—attended with not even inconvenience—nay productive of ample benefits to his master. I have shewn, that the apprentice works without compulsion, and that the reward of wages are a better incentive than the punishment of the lash. I have proved, that labour for hire may anywhere be obtained as it is wanted and can be purchased—all the apprentices working extra hours for hire, and all the free negroes, wherever their emancipation has been complete, working harder by much for the masters who have wherewithal to pay them, than the slave can toil for his owner or the apprentice for his master. Whether we look to the noble minded colonies which have at once freed their slaves, or to those who still retain them in a middle and half-free condition, I have shown that the industry of the negro is undeniable, and that it is constant and productive in proportion as he is the director of its application and the master of its recompense. But I have gone a great deal further—I have demonstrated by a reference to the same experience—the same unquestioned facts—that a more quiet, peaceful, inoffensive, innocent race, is not to be found on the face of this earth than the Africans—not while dwelling in their own happy country, and enjoying freedom in a natural state, under their own palm trees, and by their native streams—but after they have been torn away from it, enslaved, and their nature perverted in your Christian land, barbarised by the policy of civilised states—their whole character disfigured, if it were possible to disfigure it—all their feelings corrupted, if you could have corrupted them. Every effort has been made to spoil the poor African—every resource of wicked ingenuity exhausted, to deprave his nature—all the incentives to misconduct placed around him by the fiend-like artifice of Christian, civilised men—and his excellent nature has triumphed over all your arts—your unnatural culture has failed to make it bear the poisonous fruit that might well have been expected from such abominable husbandry—though enslaved and tormented, degraded and debased, as far as human industry could effect its purpose of making him bloodthirsty and savage, his gentle spirit has prevailed, and preserved, in spite of all your prophecies, aye, and of all your efforts, unbroken tranquillity over the whole Charaibean chain! Have I not then proved my case? I show you that the whole grounds of the arrangement of 1833, the very pretext for withholding complete emancipation, alleged incapacity for labour, and risk of insurrection, utterly fail. I rely on your own records; I refer to that record which cannot be averred against; I plead the record of your own statute. On what ground does its preamble rest the necessity of the intermediate or apprentice state, all admitting that nothing but necessity could justify it? "Whereas it is expedient that provision should be made for promoting the industry, and securing the good conduct of the manumitted slaves." These are the avowed reasons for the measure—these its only defence. All men confessed, that were it not for the apprehension of liberated slaves not working voluntarily, and not behaving peacably—of slavery being found to have unfitted them for industry, and of a sudden transition to complete freedom being fraught with danger to the peace of society—you had no right to make them indentured apprentices, and must at once set them wholly free. But the fear prevailed, which, by the event, I have now a right to call a delusion; and the apprenticeship was reluctantly agreed to. The delusion went further. The planter succeeded in persuading us, that he would be a vast loser by the change, and we gave him twenty millions sterling money to indemnify him for the supposed loss. The fear is found to be utterly baseless—the loss is a phantom of the brain—a shape conjured up by the interested parties to frighten our weak minds—and the only reality in this mockery is the payment of that enormous sum to the crafty and fortunate magician for his incantations. The spell is dissolved—the charm is over—the unsubstantial fabric of calculating alarm, reared by the colonial body with our help, has been crushed to atoms, and its fragments scattered to the wind. And now, I ask, suppose it had been ascertained in 1833, when you made the Apprenticeship Law, that these alarms were absolutely groundless—the mere phantom of a sick brain, or contrivance of a sordid ingenuity—would a single voice have been raised in favour of the intermediate state? Would the words Indentured Apprenticeship ever have been pronounced? Would the man have been found endued with the courage to call for keeping the negro in chains one hour after he had been acknowledged entitled to his freedom?

I freely admit, that formerly, and before the event, when the measure was passed, the proof was upon us, who maintained, that the experiment of emancipation was safe. We did not pretend to deny all risk; we allowed the possibility of a loss being sustained by the planters; nay, we did more; we took for granted there would be a loss, and a loss to the amount of twenty millions, and that vast sum we cheerfully paid to indemnify them. Then we had not the facts with us; all experience was said to be the other way; and because we could only offer argument against the opinions of practical men of local knowledge, we were fain to let them take every thing their own way, and receive our money by way of securing them against the possibility of damage. But now the case is reversed; the facts are all with us; experience has pronounced in our favour, and the burthen of the proof is thrown on the planter, or whoever would maintain, contrary to the result of the trial already made, that there is any risk whatever in absolute emancipation. The case lies in a narrow compass; the sudden transition from absolute slavery to apprenticeship—from the condition of chattels to that of men—has been made without the least danger whatever, though made without the least preparation. It is for those who, in spite of this undoubted fact, maintain that the lesser step of substituting freedom for apprenticeship will be dangerous, though made after a preparation of three years, to prove their position. Therefore I am not bound to maintain the opposite proposition, by any one argument or by a single fact. Nevertheless, I do prove the negative, against those upon whom it lies to prove the affirmative; I gratuitously demonstrate, both by argument and by fact that the transition to freedom from apprenticeship may be safely made. I appeal to the history of Antigua and Bermuda, where the whole process took place at once—where both steps were taken in one—and where, notwithstanding, there was more tranquillity than had ever before been enjoyed under the death-like silence of slavery. Nay, I prove even more than the safety of the step in question; for in those colonies the transition being so made at once, it follows, *a fortiori*, that the making the half transition, which alone remains to be made in the rest, is doubly free from all possible risk of any kind, either as to voluntary labour or orderly demeanour.

But this is not all—let us look at the subject from another point. The twenty millions have been paid in advance, on the supposition of a loss being incurred. No loss, but a great gain, has accrued to the planter. Then he has received our money for nothing; it is money paid under a mistake in fact, to propagate which he himself contributed. If such a transaction had happened between private parties, I know not that the payer of the money might not have claimed it back as paid under a mistake; or if deception had been practised, that he was not equitably entitled to recover it. But without going so far, of this I am certain, that all men of honourable minds would in such circumstances have felt it hard to keep the party to his bargain. Again, view the matter from a different point, for I am desirous to have it narrowly examined on all sides. Suppose it is still maintained, that the second step we require to be taken will be attended with risk—how much is the loss likely to be? Six years apprenticeship and the emancipation were reckoned at twenty millions. No loss has as yet accrued, and four years have elapsed. Then what right have you to estimate the loss of the two years that remain at more than the whole sum? But unless it exceeds that sum, the planter, by giving up these two years, manifestly loses nothing at all; for he has his compensation, even supposing the total loss to happen in two years, for which the money was given, on the supposition of a six years diminished income. But suppose I make a present of this concession likewise, and admit that there may be a loss in the next two years as there has been a gain in the former four—have not I a right to set off that gain against any loss, and then unless twice as much shall be lost yearly in future as has been gained in past years, the planter is on the whole a gainer, even without taking the twenty millions into the account, and although there should be that double rate of loss, contrary to all probability: even without these twenty millions, he will on the whole have lost nothing. But I will not consent to leave that vast sum out of the account. It shall go in diminution of the loss, if any has been suffered. It shall be reckoned as received by the planters, and unless they lose, during the next two years, more than twenty millions over and above the gains they have made during the last four, I insist upon it that they be deemed to have suffered no loss at all, even if, contrary to all experience and all reason they lose by the change. What is the consequence of all this? That at the very least we have a right to make the planters bring their twenty millions to account, and give us credit for that sum—so that until their losses exceed it, they shall have no right whatever to complain. Take now a new view of the subject, in order that we may have left no stone unturned, no part of the whole subject unexplored—have we not at the very least a title to call upon the planters to consign the money into a third party's hands, to pay it, as it were, into court, until it shall be ascertained whether they sustain any loss at all, and, if any, to what amount? I defy all the quibblers in the world to show what right the planters can have, if they insist upon retaining our money, now given for nothing, to keep the negroes out of their liberty. that money having been paid to compensate a supposed loss, and experience having demonstrated, that instead of loss, the present change has already been to them a gain. My proposal is this, and if the planters be of good faith it must at once settle the question, at least it must bring their sincerity to the test. They say they are afraid of a loss by the apprenticeship ceasing — then let them either pay the money into court, or keep an account of their losses, and if they, at the end of the two years, after emancipating the apprentices, shall be found to have incurred any loss, let them be repaid out of the money. I agree, that they should be further compensated, should their losses exceed the twenty millions, provided they will consent to repay all the money that exceeds the losses actually sustained. This is my proposal —and I am as certain of its being fair as I am convinced it will be rejected with universal horror by the planters.

Once more I call upon your Lordships to look at Antigua and Bermuda. There is no getting over that—no answering it —no repelling the force with which our reason is assailed by the example of 30,000 negroes liberated in one night—liberated without a single instance of disturbance ensuing, and with the immediate substitution of voluntary work for hire in the stead of compulsory labour under the whip. There is no getting over that—no answering it—no repelling the force with which it assails. the ordinary reason of ordinary men. But it is said, that those islands differ from Jamaica and Barbadoes, because they contain no tracts of waste or woody ground to which negroes may flee away from their masters, conceal themselves, and subsist in a Maroon state. I meet the objection as one in front, and I pledge myself to annihilate it in one minute by the clock. Why should free negroes run away and seek refuge in the woods, if slaves, or half slaves like apprentices, never think of escaping? That the slave should run away—that the apprentice should fly—is intelligible—but if they don't, why should a bettering of their condition increase their inclination to fly? They who do not flee from bondage and the lash, why should they from freedom, wages, independence, and comfort? But this is not all. If you dread their escape and marooning now, what the better will you be in 1840? Why are they to be less disposed then than now to fly from you? Is there any thing in the training of the present system to make two years more of it disarm all dislike of white severity, all inclination for the life of the Maroon? The minute is not yet out, and I think I have disposed of the objection. Surely, surely, we are here upon ground often trodden before by the advocates of human improvement, the friends of extended rights. This is the kind of topic we have so often been fated to meet on other questions of deep and exciting interest. The argument is like that against the repeal of the Penal Laws respecting Catholics—if it proves any thing, it proves far too much—if there be any substance in it, the conclusion is that we have gone too far already, and must retrace our steps —either complete the emancipation of the Catholics, or re-enact the Penal Code. The enemies of freedom, be it civil or religious—be it political or personal—are all of the same sect, and deal in the same kind of logic. If this argument drawn from the danger of negroes eloping in 1838, should we emancipate the apprentices, is worth any thing at all, it is a reason for not emancipating them in 1840, and consequently for repealing altogether the law of 1833. But I shall not live to hear any one man in any one circle of any one part of the globe, either in the eastern hemisphere or in the western, venture to breathe one whisper in favour of so monstrous a course. But I will not stop here. Lives there, my Lords, a man so ignorant of West Indian society, so blind to all that is passing in those regions, as to suppose that the continuance of the apprenticeship can either better the negro's condition, or win him over to more love for his master? I am prepared to grapple with this part also of the argument. I undertake to demonstrate that the state of the negro is in but a very few instances better, and in many beyond all comparison worse, than ever it was in the time of slavery itself.

I begin by freely admitting that an immense benefit has been conferred by the cart-whip being utterly abolished. Even if the lash were ever so harshly or unsparingly or indiscriminately applied in execution of sentences pronounced by the magistrate, still the difference between using it in obedience to judicial command, and using it as the stimulus to labour, is very great. The negro is no longer treated as a brute, because the motive to his exertions is no longer placed without himself and in the driver's hand. This is, I admit, a very considerable change for the better in his condition, and it is the only one upon which he has to congratulate himself since the Act of Emancipation was passed. In no one other respect whatever is his condition improved—in many it is very much worse. I shall run over a few of these particulars, because the view of them bears most materially upon this whole question, and I cannot better prove the absolute necessity of putting an immediate end to the state of apprenticeship than by showing what the victims of it are daily fated to endure.

First of all as to the important article of food, to secure a supply of which in sufficient abundance, the slave-regulating acts of all the islands have always been so anxiously directed—I will compare the prison allowance of Jamaica, with the apprentice allowance in Barbadoes and other colonies from which we have the returns, there being none in this particular from Jamaica itself. The allowance to prisoners is fourteen pints weekly of Indian corn, and different quantities of other grain, but comparing one will be sufficient for our purpose. In Barbadoes the allowance to apprentices is only ten pints, while in the leeward islands and Dominica it is no more than eight pints; for the Crown colonies the slave allowance before 1834 was twenty-one pints; in the same colonies the apprentice receives but ten; so that in the material article of food there is the very reverse of an improvement effected upon the negro's condition. Next as to time—it is certain that he should have half a day in the week, the Friday, to work his own provision-ground, beside Saturday to attend the market, and the Sabbath for rest and religious instruction. The Emancipation Act specifies forty-five hours as the number which he shall work weekly for his master. But these are now so distributed as to occupy the whole of Friday; and even in some cases to trench upon Saturday too. The planter also counts those hours invariably from the time when the negro having arrived at the place of work, begins his labour. But as it constantly happens that some at least of the negroes on an estate have several miles to walk from their cottages, all the time thus consumed in going and returning is wholly lost to the negro. Nay, it is lost to the master as well as the apprentice, and so long as he is not compelled to reckon it in the statutory allowance, it will continue a loss to both parties. For as no reason whatever can be assigned why the negro huts should be on the frontier of the plantation, only make the time, frequently as much at present as three or four hours a day, consumed in going and returning, count for part of the forty-five hours a week, and I'll answer for it all the negroes will be provided with cottages, near the place of their toil.

I come now to the great point of the justice administered to the people of colour. And here let me remind your Lordships how little that deserves the name of justice, which is administered wholly by one class, and that the dominant class, in a society composed of two races wholly distinct in origin and descent, whom the recollection of wrongs and sufferings have kept still more widely apart, and taught scarcely to regard each other as brethren of the same species. All judicial offices are filled by those whose feelings, passions, and interests are constantly giving them a bias towards one, and from the other, of the parties directly appearing before the judgment-seat. If to a great extent this is an unavoidable evil, surely you are bound, by every means possible, to prevent its receiving any unnecessary aggravation. Yet we do aggravate it by appointing to the place of puisne judge natives of the colonies, and proprietors of estates. From the same privileged class are taken all who compose the juries, both in criminal and in civil cases, to assess damages for injuries done by whites to blacks—to find bills of indictment for crimes committed upon the latter class—to try those whom the Grand Jury presents—to try negroes charged with offences by their masters. Nay, all magistrates, gaolers, turnkeys—all concerned in working every part of the apparatus of jurisprudence, executive as well as administrative, are of one tribe alone. What is the consequence? It is proverbial that no bills are found for maltreatment, how gross soever, of the negroes. Six were preferred by a humane individual at one assize, and all flung out. Some were for manslaughter, others for murder. Assize after assize presents the same result. A wager was on one occasion offered, that not a single bill would be found that assize, and nobody was found to take it; prudent was the refusal proved by the result: for all the bills were ignored, without any exception. Now, your Lordships will observe, that in no one case could any evidence have been examined by those Grand Juries, except against the prisoner. In cases of murder sworn to, as plainly as the shining of the sun at noon-day tide, by witness after witness—still they said, "No Bill." Nay, they sometimes said so when only part of the witnesses for the prosecution had been heard, and refused to examine the others that were tendered.

The punishments inflicted are of monstrous severity. The law is wickedly harsh; its execution is committed to hands that exasperate that cruelty. For the vague, undefined undefinable offence of insolence, thirty-nine lashes: the same number for carrying a knife in the pocket; for cutting the shoot of a cane-plant, fifty lashes, or three months imprisonment in that most loathsome of all dungeons a West Indian gaol. There seems to have prevailed at all times among the lawgivers of the slave colonies a feeling, of which—I grieve to say, those of the mother country have partaken; that there is something in the nature of a slave—something in the disposition of the African race, something in the habits of those hapless victims of our crimes, our cruelties and frauds—which requires a peculiar harshness of treatment from their rulers, and makes what in other men's cases we call justice and mercy, cruelty to society and injustice to the law in theirs—inducing us to visit with the extremity of rigour in the African what if done by our own tribes would be slightly visited or not at all, as though there were in the negro nature something so obdurate that no punishment with which they can be punished would be too severe. Prodigious, portentous injustice! As if we had a right to blame any but ourselves for whatever there may be of harsh or cunning in our slaves—as if we were entitled to visit upon him that disposition were it obdurate, those habits were they insubordinate, those propensities were they dishonest, (all of which I deny them to be, and every day's experience justifies my denial), but were these charges as true as they are foully slanderous and absolutely false—is it for us to treat our victims harshly for failings or for faults with which our treatment of him has corrupted and perverted his nature, instead of taking to ourselves the blame—punishing ourselves at least with self-abasement, and atoning with deepest shame for having implanted vice in a pure soil? If some capricious despot were, in the career of ordinary tyranny, to tax his pampered fancy to produce something more monstrous, more unnatural than himself; were he to graft the thorn upon the vine, or place the dove among vultures to be reared—much as we might marvel at this freak of a perverted appetite, we should marvel still more if we saw tyranny exceed even its own measure of proverbial unreasonableness, and complain because the grape was not gathered from the thorn, or because the dove so trained had a thirst for blood. Yet this is the unnatural caprice—this the injustice—the gross, the foul, the outrageous, the monstrous, the incredible injustice of which we are daily and hourly guilty towards the whole of the ill-fated African race! My Lords, we fill up the measure of this injustice by executing laws wickedly conceived, in a yet more atrocious spirit of cruelty. Our whole punishments smell of blood. Let the treadmill stop, from the weary limbs and exhausted frame of the sufferers no longer having the power to press it down the requisite number of turns in a minute—the lash instantly resounds through the mansion of woe! Let the stone spread out to be broken, not crumble fast enough beneath the arms already scarred, flayed, and wealed by the whip—again the scourge tears afresh the half-healed flesh! Within the last hour before I entered this House, I heard from an eye-witness of the fact as disgusting as it was appalling, that a leper among the prisoners was cut to pieces by stripes with the rest. And in passing let me here note the universal but cruel practice of placing the patients stricken with infectious diseases in hospitals, and in prisons among others, upon almost all private estates; and the no less unjust and exclusively West Indian practice of cruelly and stingily compelling the prisoners to go out daily and find their own food instead of the master supplying them in the gaol—a refinement of harshness and meanness not, I venture to assert, ever reached by the tyrant-master of the Siberian mines. But I was speaking of the public prison, and there as the leper had been scourged, so when a miserable wretch whose legs were one mass of ulcerated flesh from former inflictions, gave some offence to his task-masters, he was on those limbs mangled anew by the merciless application of the lash. I have told you how the bills for murdering negroes were systematically thrown out by the grand juries. But you are not to imagine that bills are never found by those just men, even bills against whites. A person of this cast had, unable to bridle his indignation, roused by the hideous spectacle I have described (so disgusting, but that all other feelings are lost in pity for the victim and rage against his oppressor), repaired to the governor and informed him of what he had witnessed. Immediately the grand jury, instead of acknowledging his humane and, in a slave colony, his gallant conduct, found a bill against him, and presented him as a nuisance!

My Lords, I have had my attention directed within the last two hours to the new mass of papers laid on our table from the West Indies. The bulk I am averse to break; but a sample I have culled of its hateful contents. Eleven females were punished by severe flogging—and then put on the treadmill, where they were compelled to ply until exhausted nature could endure no more. When faint, and about to fall off, they were suspended by the arms in a manner that has been described to me by a most respectable eye-witness of similar scenes, but not so suspended as that the mechanism could revolve clear of their person; for the wheel at each turn bruised and galled their legs, till their sufferings had reached the pitch when life can no longer even glimmer in the socket of the weary frame. In the course of a few days these wretched beings languished, to use the language of our law—that law which is thus so constantly and systematically violated—and "languishing, died." Ask you if crimes like these, murderous in their legal nature as well as frightful in their aspect, passed unnoticed—if inquiry was neglected to be made respecting these deaths in a prison? No such thing! The forms of justice were on this head peremptory, even in the West Indies—and those forms, the handmaids of justice, were present, though their sacred mistress was far away. The coroner duly attended—his jury were regularly impannelled—eleven inquisitions were made in order—and eleven verdicts returned. Murder! manslaughter! misdemeanor! misconduct! No—but "Died by the visitation of God!" —Died by the visitation of God! A lie! —a perjury!—a blasphemy! The visitation of God! Yes, for it is among the most awful of those visitations by which the inscrutable purposes of his will are mysteriously accomplished, that he sometimes arms the wicked with power to oppress the guiltless; and if there be any visitation more dreadful than another—any which more tries the faith and vexes the reason of erring mortals, it is when Heaven showers down upon the earth the plague—not of scorpions, or pestilence, or famine, or war—but of unjust judges and perjured jurors—wretches who pervert the law to wreak their personal vengeance or compass their sordid ends, and forswear themselves on the gospels of God, to the end that injustice may prevail, and the innocent be destroyed!

Sed non immensum Spatiis confecimus æquor
Et jam tempus equis formantia soluere colla.

I hasten to a close. There remains little to add. It is, my Lords, with a view to prevent such enormities as I have feebly pictured before you, to correct the administration of justice, to secure the comforts of the negroes, to restrain the cruelty of the tormentors, to amend the discipline of the prisons, to arm the governors with local authority over the police; it is with these views that I have formed the first five of the resolutions now upon your table, intending they should take effect during the very short interval of a few months which must elapse before the sixth shall give complete liberty to the slave. I entirely concur in the observation of Mr. Burke, repeated and more happily expressed by Mr. Canning, that the masters of slaves are not to be trusted with making laws upon slavery; that nothing they do is ever found effectual; and that if by some miracle they ever chance to enact a wholesome regulation, it is always found to want what Mr. Burke calls "the executory principle;" it fails to execute itself. But experience has shewn that when the lawgivers of the colonies find you are firmly determined to do your duty, they anticipate you by doing theirs. Thus, when you announced the bill for amending the Emancipation Act, they outstript you in Jamaica, and passed theirs before yours could reach them. Let then your resolutions only shew you to be in good earnest now, and I have no doubt a corresponding disposition will be evinced on the other side of the Atlantic. These improvements are, however, only to be regarded as temporary expedients—as mere palliatives of an enormous mischief, for which the only effectual remedy is that complete Emancipation which I have demonstrated by the unerring and incontrovertible evidence of facts, as well as the clearest deductions of reason, to be safe and practicable, and therefore proved to be our imperative duty at once to proclaim.

From the instant that glad sound is wafted across the ocean, what a blessed change begins; what an enchanting prospect unfolds itself! The African, placed on the same footing with other men, becomes in reality our fellow-citizen—to our feelings, as well as in his own nature our equal, our brother. No difference of origin or of colour can now prevail to keep the two castes apart. The negro, master of his own labour, only induced to lend his assistance if you make it his interest to help you, yet that aid being absolutely necessary to preserve your existence, becomes an essential portion of the community, nay, the very portion upon which the whole must lean for support. This ensures him all his rights; this makes it not only no longer possible to keep him in thraldom, but places him in a complete and intimate union with the whole mass of colonial society. Where the driver and the gaoler once bore sway, the lash resounds no more; nor does the clank of the chain any more fall upon the troubled ear; the fetter has ceased to gall the vexed limb, and the very mark disappears which for a while it had left. All races and colours run together the same glorious race of improvement. Peace unbroken, harmony uninterrupted, calm unruffled, reigns in mansion and in field—in the busy street, and the fertile valley, where nature, with the lavish hand she extends under the tropical sun, pours forth all her bounty profusely, because received in the lap of cheerful industry, not extorted by hands cramped with bonds. Delightful picture of general prosperity and social progress in all the arts of civility and refinement! But another form is near!—and I may not shut my eyes to that less auspicious vision! I do not deny that danger exists—I admit it not to be far distant from our path. I descry it, but not in the quarter to which West Indian eyes for ever turn. The planter, as usual, looks in the wrong direction. Averting his eyes from the real risk, he is ready to pay the price of his blindness, and rush upon his ruin. His interest tells him he is in jeopardy, but it is a false interest, and misleads him as to the nature of the risk he runs. They, who always dreaded Emancipation—who were alarmed at the prospect of negro indolence—who stood aghast at the vision of negro rebellion should the chains cease to rattle, or the lash to resound through the air—gathering no wisdom from the past, still persist in affrighting themselves and scaring you, with imaginary apprehensions from the transition to entire freedom out of the present intermediate state. But that intermediate state is the very source of all their real danger; and I disguise not its magnitude from myself. You have gone too far if you stop here and go no further; you are in imminent hazard if having loosened the fetters you do not strike them off—if leaving them ineffectual to restrain, you let them remain to gall, and to irritate, and to goad. Beware of that state, yet more unnatural than slavery itself—liberty bestowed by halves—the power of resistance given—the inducement to submission withheld—you have let the slave taste of the cup of freedom; while intoxicated with the draught beware how you dash the cup away from his lips. You have produced the progeny of liberty—see the prodigious hazard of swathing the limbs of the gigantic infant—you know not the might that may animate it. Have a care, I beseech you have a care, how you rouse the strength that slumbers in the sable peasant's arm! The children of Africa under the tropical sun of the West, with the prospect of a free Negro Republic in sight, will not suffer themselves to be tormented when they no longer can be controlled. The fire in St. Domingo is raging to windward, its sparks are borne on the breeze, and all the Charaibean sea is studded with the materials of explosion. Every tribe, every shade of the negro race will combine from the fiery Koromantin to the peaceful Eboe, and the ghastly shape of Colonial destruction meets the astonished eye—

> "If shape it may be called that shape has none
> Distinguishable in member, joint, or limb;
> Or substance may be called that shadow seems
> For each seems either; black it stood as night,
> Fierce as ten furies, terrible as hell!"

I turn away from the horrid vision that

my eye may rest once more on the prospect of enduring empire, and peace founded upon freedom. I regard the freedom of the negro as accomplished and sure. Why? Because it is his right—because he has shown himself fit for it—because a pretext or a shadow of a pretext can no longer be devised for withholding that right from its possessor. I know that all men at this day take a part in the question, and they will no longer bear to be imposed upon now they are well informed. My reliance is firm and unflinching upon the great change which I have witnessed—the education of the people unfettered by party or by sect—witnessed from the beginning of its progress, I may say from the hour of its birth. Yes! It was not for a humble man like me to assist at royal births with the illustrious Prince who condescended to grace the pageant of this opening session, or the Great Captain and Statesman in whose presence I am now proud to speak. But with that illustrious Prince, and with the father of the Queen, I assisted at that other birth, more conspicuous still. With them, and with the head of the house of Russell, incomparably more illustrious in my eyes, I watched over its cradle—I marked its growth—I rejoiced in its strength—I witnessed its maturity—I have been spared to see it ascend the very height of supreme power; directing the councils of State; accelerating every great improvement; uniting itself with every good work; propping all useful institutions; extirpating abuses in all our institutions; passing the bounds of our European dominion, and in the New world, as in the Old, proclaiming that freedom is the birth-right of man—that distinction of colour gives no title to oppression—that the chains now loosened must be struck off, and even the marks they have left effaced—proclaiming this by the same eternal law of our nature which makes nations the masters of their own destiny, and which in Europe has caused every tyrant's throne to quake! But they need feel no alarm at the progress of light who defend a limited monarchy and support popular institutions—who place their chiefest pride not in ruling over slaves, be they white or be they black, not in protecting the oppressor, but in wearing a constitutional crown, in holding the sword of justice with the hand of mercy, in being the first citizen of a country whose air is too pure for slavery to breathe, and on whose shores, if the captive's foot but touch, his fetters of themselves fall off. To the resistless progress of this great principle I look with a confidence which nothing can shake; it makes all improvement certain; it makes all change safe which it produces; for none can be brought about, unless all has been prepared in a cautious and salutary spirit. So now the fulness of time is come for at length discharging our duty to the African captive. I have demonstrated to you that every thing is ordered—every previous step taken—all safe, by experience shown to be safe, for the long-desired consummation. The time has come, the trial has been made, the hour is striking: you have no longer a pretext for hesitation, or faultering, or delay. The slave has shown, by four years' blameless behaviour, and devotion to the pursuits of peaceful industry, that he is as fit for his freedom as any English peasant, aye or any Lord whom I now address. I demand his rights: I demand his liberty without stint. In the name of justice and of law—in the name of reason—in the name of God, who has given you no right to work injustice—I demand that your brother be no longer trampled upon as your slave! I make my appeal to the Commons, who represent the free people of England; and I require at their hands the performance of that condition for which they paid so enormous a price—that condition which all their constituents are in breathless anxiety to see fulfilled! I appeal to this House. Hereditary judges of the first tribunal in the world—to you I appeal for justice! Patrons of all the arts that humanise mankind—under your protection I place humanity herself! To the merciful Sovereign of a free people I call aloud for mercy to the hundreds of thousands for whom half a million of her Christian sisters have cried aloud—I ask that their cry may not have risen in vain. But first I turn my eye to the throne of all justice, and devoutly humbling myself before Him who is of purer eyes than to behold such vast iniquities, I implore that the curse hovering over the head of the unjust and the oppressor be averted from us—that your hearts may be turned to mercy—and that over all the earth His will may at length be done! The noble Lord concluded by the following motion:—

"That an humble address be presented to her Majesty, earnestly beseeching her Majesty to take immediate steps for negociating with the Governments of Spain and Portugal, and obtaining the concurrence of the Governments of France and the United States in such negotiations, with a view to declare the trade in slaves piracy, wherever the same is carried on; and making those who carry it on liable to all the pains and consequences of piracy."

The noble and learned Lord also laid on their Lordships' Table the following resolutions:—

SLAVE TRADE.

"1. That it is the opinion of this House that the reward of persons engaged in suppressing the trade in slaves, by the payment to them of head-money, is highly inexpedient, and ought to be discontinued; and that in lieu thereof, there should be substituted a payment in proportion to the tonnage of the vessels employed, and the number of guns, and the crew on board the same.

"2. That it is expedient for the more effectual suppression of the trade in slaves, to employ a number of steam-vessels, under the command of the cruisers of her Majesty, and to issue to private individuals letters of marque, to enable them to fit out such vessels, but so as they place such vessels under the command of her Majesty's cruisers; and that the money paid by way of reward on the capture of any slave-trade vessel, as well as the proceeds of the sale of such vessel when condemned, be distributed among the crew of such private vessel, subject to the deduction of one-fourth part, which should be made payable to the officers and crew of the cruiser under whose command the private vessel may be."

SLAVERY.

"1. That it is expedient, with a view to carry into effect the intentions of the Act of 1833, that there should be such a distribution of the work and labour of the indentured apprentices as shall leave them the half of every Friday to themselves for working in their provision grounds, and the whole of every Saturday for attending the market.

"2. That it is expedient to declare all apprentices who at present are registered as non-predial, still non-predial on the 1st of August, 1838, notwithstanding any agreement between them and their masters, or any change of employment which they may have undergone, or may hereafter undergo, since the time of their registration.

"3. That all questions which may arise between apprentices and masters respecting their rights, after the 1st of August, 1838, shall be decided by the stipendiary magistrate of the district where the party complaining resides, without any appeal or other proceeding whatever.

"4. That no female apprentice shall, on any pretence, be flogged or otherwise punished by any infliction upon her person; and that, if any such punishment shall be inflicted, or if any punishment shall be inflicted which is found to have been wrongfully inflicted by the authority of the master, such apprentice shall be immediately declared free from her apprenticeship; and that all complaints of such female apprentice, touching any punishment, shall be heard by the stipendiary magistrate of the district alone, and decided on by him without appeal.

"5. That it is expedient to vest in the governors of the several colonies the power of making such regulations respecting the gaols and respecting the police of the several colonies as they shall think fit, the same to have the force of laws until disallowed by her Majesty's Government; and that copies of the same shall be transmitted forthwith to her Majesty's Government.

"6. That it is expedient that the period of predial apprenticeship in all the colonies should cease and determine on the 1st day of August, 1838, and that until such time the foregoing regulations ought to be everywhere observed and enforced by law."

The Duke of *Sutherland* felt that he should not do justice to the numerous petitions he had presented on the subject of slavery if he neglected to avail himself of the opportunity which then presented itself of expressing his concurrence in their sentiments. Much had been done to abolish slavery, but much more still remained to be done. He was happy to think that the good example set by England continued to take effect, and that a strong desire existed on the part of other countries to follow it up. There was now every reason to hope, that the difficulties which suggested themselves at former times as to the proper opportunity for doing what should be done, would not be allowed to stand in the way any longer. Slavery was co-existent with human society; but, in no nation of the world, at no time, and among no people, had it been attended with circumstances of such barbarity as among those calling themselves Christians, in Christian countries. The admirable speech of the noble and learned Lord the other evening on the subject, could not be considered by any one acquainted with the circumstance as an exaggeration. Men, or rather monsters in human shape, for they were the vilest portion of the human kind, were found who encouraged the detestable traffic, and still called themselves Christians. These men should be made acquainted with the determination of the Legislature, and its intention to suppress their atrocities. He was greatly rejoiced that the noble and learned Lord had exerted his energies and high talents in such a cause as the present

—they could not be more honourably employed, and he trusted that the result would be success.

Lord *Glenelg* said, that if his noble and learned Friend had expressed anxiety in approaching this subject, he might well be forgiven for stating the apprehension which he experienced in following the eloquent and comprehensive speech which they had heard. His noble and learned Friend had addressed them in a manner to excite the deepest feelings. No difference of opinion could exist in the House upon the propriety and humanity of the object which the noble Lord who had just spoken had in view; but whilst all were agreed in the one good object, there might be some doubts as to the best means to be adopted to attain it. His noble Friend, whose speech had done equal justice to his name and character, had truly described the slave trade to be the most iniquitous and debasing traffic which had ever been devised by man. This was an opinion in which the country had fully concurred; at least, since the period when the slave trade, as far as regarded this country, was abolished, in which abolition we sacrificed what appeared to us then to be our interests to the cause of justice and humanity. From that sacrifice, however, he believed we had experienced no hardship nor injury, but that, on the contrary, we had reaped advantage from it, not only in the more sordid sense of mercantile profit, but in the nobler and more enlarged sense of elevating the moral tone and feelings of the country. Since that period, this country had constantly directed its most earnest endeavours to the effectual suppression of this demoralising traffic; and with whatever degree of success or failure our labours might have been crowned, he could venture in his conscience, and before the world, to declare that this country had been guiltless of any participation in the slave trade. We had exerted every nerve to abolish it—we had succeeded in a great measure; we might have failed in some degree, but wherein we had succeeded we had the reward of a good conscience; and wherein we had failed we had still that trust, which always lies in a good cause, of eventual success. His noble Friend had that evening proposed an address, in the sentiments of which he had no doubt all their Lordships might cordially concur; but before he proceeded to speak of that address, he might be allowed to refer to the treaties which already existed between this country and foreign nations on the subject of the slave trade. He was well aware that after the eloquent speech which had just been delivered by his noble Friend, any such details must prove uninteresting to their Lordships, except in so far as all that concerned the honour of their country must be interesting to them. He thought it, therefore, advisable to consider exactly the position in which this country stood in respect to the other nations of Europe in this particular. He would venture to say, that at the close of the war, the one great object which this country had in view was, to unite the voice of all Europe in a compact to put down the slave trade. There might have been other objects kept in view at the Congress of Vienna, which for the moment might have seemed of more importance; but it was determined not to dissolve that Congress until the slave trade had been solemnly declared by the Representatives of all the great powers of Europe therein present, a crime accursed of God and man. This proposition was then affirmed; but although there existed, no doubt, strong prejudices on the part of many of the subjects of these powers against the abolition of the traffic, the question had progressively moved towards fulfilment; and he would now proceed to state how the nations of Europe had since acted in reference to the slave trade. At the time of the abolition of the slave trade by this country, the traffic was universal on the part of all the nations of Europe—Spain, Portugal, Russia, Prussia, Sweden, and France. Let their Lordships see in what situation they now stood with regard to the slave trade. Look at Spain, which had been proverbial, for centuries, for protecting the slave trader under its flag. Spain entered into an engagement, he believed, in 1815, for the abolition of the slave trade, excepting only as related to the Spanish colonial possessions; and in 1817, she signed a convention, by which she engaged to abolish the trade entirely in 1820. A sum of 400,000*l.* was given to Spain in consideration of this convention; and by this convention, he believed, it was agreed to admit the right of a mixed commission, and a right of search within certain limits of the European shores of the Atlantic. Notwithstanding this convention, however, the Spanish flag still continued to be used for the protection of the slave trader; till, in 1823, a treaty was signed with Spain, by which she gave us not only the right of search, and of the mixed commission for the adjudication of captured vessels, but added two most important articles—namely, the equipment article, which empowered us to capture vessels if obviously fitted out for the slave trade, although not at the time actually laden with slaves; and the breaking-up article, by which a condemned vessel was to be broken up and its materials sold. It was further agreed, at the same time, that Spain should pass a law, declaring the slave trade to be a highly penal offence, with severe punishment attached to it. This law had not yet been enacted; but he trusted that, at no distant period, it would be. At the same time, he must say that the enactment of laws on this subject was not so great an object as the practical and effectual fulfilment of those already in force. He hoped Spain would pass the law which she had promised; but even if she did not, she had already given us the fullest means of enforcing the execution of the treaties which existed between her and this country on this subject. This object was completed by the treaty of 1836; since which time the Spanish flag had ceased to be used in the slave trade. There was another great country—France, which, even after the treaty of Vienna, continued to cover the slave trade with its flag, until it became the frequent subject of complaints in Parliament. In 1831-2, however, a convention was agreed to with France, whereby the latter power acceded to all the terms of the treaty with Spain, with one single exception; she acceded to the right of search, the equipment article, and the breaking-up article—to all the articles of the Spanish treaty, with the single exception of that of the mixed commission, which she objected to upon the principle of the French law, that no French subject should be tried except by a tribunal purely French. It was, therefore, required on the part of France that all French slave ships when seized should be transferred to some French tribunal for adjudication. Upon the same principle, also, it was found necessary that the British cruisers should be armed with an authority from the Admiralty of France to enable them to seize French slavers. With this authority our cruisers were, of course, provided; and the provision was reciprocal. With the exception of these particulars France had acceded to all the forms of the treaty he had already mentioned previously existing with Spain. Portugal also was one of the powers which, on the occasion of the congress at Vienna, pledged itself to the abolition of the slave trade, and bound itself by that treaty to determine, in concurrence with Great Britain, a fixed period at which the trade should be entirely abolished throughout the world, but, in the mean time, retained the right to pursue the trade as far as related to their transatlantic possessions. In return for this concurrence Great Britain assigned to Portugal an existing debt of 600,000*l.*, in addition to a sum of 300,000*l.* previously given, making a total amount of 900,000*l.* for this concession. Portugal, at the same time, pledged herself to enact a law condemning the slave trade under very severe penalties; that law was not passed till last year, when, besides the confiscation of the vessel employed, various other penalties were attached, according to the degree of the offence; but, as this law could only be executed by Portuguese authorities, it was in effect utterly powerless. Such was our situation with respect to Portugal, who, although she had not now one transatlantic possession, still claimed the right of continuing the slave trade under the protection of her flag. Various other states of Europe, as Naples, Sardinia, Tuscany, and others, had already acceded to the views of England on this subject; and Belgium, he hoped, would soon come forward to concur with the rest. With respect to three other great states of Europe, namely, Russia, Prussia, and Austria, they had been invited to accede to the terms of the treaty with France, and they had declared their perfect readiness to accede to a similar treaty. Such treaties had not yet been concluded, because the French treaty had one great defect, inasmuch as it restricted the right of search within too contracted limits, and a proposal had been made to France to enlarge them, and until the answer of that power upon this point was returned, which he hoped would be before long, the proposed treaties with these great powers would not be completed. But he repeated again, that the great object with this country by which she could hope to obtain the fulfilment of her humane decrees on this subject was to obtain effectual powers of execution, and to stimulate the moral sense and feeling of surrounding communities in favour of the abolition of this hateful traffic. There was a time when the bulk of the community in France were in favour of the rights of the slave trader, and no laws which could have been passed would have diminished the effect of that sympathy; but now the feeling was changed, and the sympathies of the French nation were directed to a better purpose. Though the provisions of our treaty with that country might, therefore, still be imperfect in details, it had been quite successful in point of fact. Holland, by a treaty with us in 1823, agreed to a treaty similar to that with Spain, comprising the mixed commission article and the equipment article, but, he believed, not the breaking-up article, which, however, had last year been conceded also; and the same had been also conceded by Sweden. Looking, therefore, at the treaty of Vienna, and what had since been done in accordance with the principles there agreed to, he did not think that this country had been altogether idle, or unsuccessful in the suppression of the slave trade. With Spain, Holland, and Sweden, we had treaties complete in every particular; and with France a similar treaty, with the exception to which he had already alluded, but still all, as he imagined, were sufficient for the purpose in view; and, besides, all the other nations of Europe which he had named, with the exception of Portugal, were decidedly willing to lend their co-operation in the suppression of the slave trade. It was due not only to her Majesty's Ministers, but to previous Governments, to recollect these circumstances, and that they were arguing the question of the slave trade in a very different position to that which they were in in respect to it, twenty years ago. Did he mean by this to say that they should cease their efforts? Far from it. The success which had already attended their exertions in this good cause ought to animate them to fresh exertions, and he did not hesitate to assert, that one of the highest inducements which should urge them on to those efforts, was the improvement of the moral sense and feelings of the community at large. But how stood the case with regard to the New World? The United States had concurred in prohibiting the slave trade, but upon constitutional principles, refused to concede to our cruisers the right of search. Columbia and all the other neighbouring states had concurred in the general principle that the slave trade should be abolished, and treaties were in course of completion on the subject. Brazil, however, he regretted to state, had long resisted the abolition of this trade, though at an early period she had agreed to the same treaty as that signed by Portugal, with the articles for a mixed commission, and the right of search, and within a few years a more complete treaty had been in progress between this country and Brazil, similar to that with Spain, but it had not yet been ratified, and he feared the consent of the chambers would not be given for its ratification. Buenos Ayres had also recognised the impropriety of the slave trade, but had not conceded to us the power for its suppression. Upon a review of these details, he thought it might with confidence be said, that we had at least combined almost all the world in cordial concurrence with us in the suppression of this odious traffic. Such being the present state of the case, he would beg to refer their Lordships to what was the state of the case in 1821, as detailed in an address to the Crown, agreed to by their Lordships in that year. The address represented to his Majesty:—

"That in the various documents relative to the slave trade which, by his Majesty's command, have been laid before the House, we find a renewed and most gratifying proof of the persevering solicitude with which his Majesty's Government has laboured to meet the wishes of this House, and of the nation at large, by effecting the entire and universal abolition of that guilty traffic. That we learn from them, however, with the deepest regret, that his Majesty's unwearied efforts to induce various powers to perform their own solemn engagements have not been more successful. That, notwithstanding the deliberate denunciation by which the slave trade was branded with infamy at the Congress of Vienna as a crime of the deepest die, and notwithstanding the solemn determination there expressed by all the great powers of Europe to put an end to so enormous an evil, nevertheless, that this trade is still carried on to an extent scarcely ever before surpassed, by the subjects, and even under the flags, of some of the very powers which were parties to those declarations. A dispatch of a more encouraging tenor, from his Majesty's Commissioner and the chief criminal judge at Sierra Leone, has indeed been very recently communicated to this House, but we have too much reason to fear that the hopes expressed in that communication are far too sanguine, and even the papers previously in our possession contain intelligence of a most painfully opposite nature. That the trade, faithful to its malignant character, is still productive of the same destructive effects as heretofore; nay, though in the conduct of this detested traffic every form of inhumanity might be supposed to have been already exhausted, yet of late it had been attended with unprecedented enormities. That we lament deeply our not having experienced the cordial co-operation which we might on every ground have so reasonably expected from the court of the Netherlands. We have witnessed, however, with great satisfaction, the strenuous and able exertions with which the King's Minister at that court has followed up the instructions of his Majesty's Government, in contending for the just construction of our treaties with that power. And we cannot but hope that commercial nation will feel the duty and necessity of adopting a policy more consonant at once to the principles of justice and humanity, and to the dearest obligations of good faith towards her most ancient and steady ally. That we have seen with extreme regret the slave trade carried on of late years by Spain to an extent before unparalleled; and also that the local government of the Havannah has shown an evident disposition to employ the means recently stipulated for its repression; but the time having at length arrived when Spain solemnly engaged that all Spanish slave trade should cease absolutely and for ever, that high-minded people, we cannot but feel confident, will prove faithful to their engagement, and will be induced cordially to unite with us in promoting the effectual and universal extinction of the trade by every civilised power. That we cannot contemplate the conduct of the court of Portugal, with respect to the slave trade, without the deepest concern. That court, indeed, though not calling in question the true nature and effects of the slave trade, forbore, even at Vienna, complying with the earnest request of all the other European powers, that she would name some fixed period for the termination of the trade. Even the treaty by which she engaged to abolish the slave trade to the north of the line has been little regarded; and to this day, though every form of intreaty has been exhausted by the great European powers, not the smallest hope is held out to us of the total abolition of the trade. Under these circumstances, we cannot but think that both Great Britain and the other powers assembled in Congress at Vienna, would not be faithful to their high obligations and engagements if they were any longer to rest satisfied with mere intreaties and remonstrances, which experience compels us to believe would be of no effect; and we are necessarily led to revert to the suggestion which was countenanced by the high contracting powers at the negotiation at Vienna, of excluding from commercial intercourse with their respective dominions any state which should pertinaciously refuse to abolish the slave trade, after it should have been prohibited by all other nations. We are impelled, however, reluctantly to intreat his Majesty to endeavour to induce those powers to carry the above suggestion into effect, and at least to prohibit the importation into their dominions of the produce of any colonies belonging to the Crown of Portugal, so long as she shall continue thus to set herself in direct opposition to the moral feelings and concurrent wishes of all Christian powers, and to defeat every hope of the civilization and improvement of Africa. That we contemplate with far different feelings the conduct of the United States of America; not only have their cruisers been actively employed, in co-operation with our own, in suppressing the slave trade on the coast of Africa, but an act has been passed by Congress which places the slave trade in the list of piracies, and subjects to capital punishment all citizens of the United States who shall be found to engage in it; that in witnessing the conduct of the Legislature of the United States on this occasion, we are led to reflect with grateful exultation on our common origin, and on those common laws and institutions, whose liberal spirit has prompted our American brethren to be among the very foremost in thus stamping on a traffic in the persons of our fellow-creatures its just character and designation. And we cannot but express our earnest hopes, that not only we ourselves shall speedily follow so honourable an example, but that the day is not far distant when, by the general concurrence of all civilised nations, this detestable traffic shall be pronounced to be piratical, to be an offence against all human kind, which all are entitled and bound by duty to suppress. That from the gratifying contemplation of the zeal manifested by the United States to promote the cause of humanity, we turn with feelings of the most painful disappointment to France, by some of whose subjects the slave trade has been for some time carried on to an unprecedented extent along the whole range of the western coast of Africa, and whose flag not only protects her own subjects in their criminal enterprises, but serves to protect the subjects also of other powers who engage in this commerce, but who are prevented by the vigilance of British cruisers from finding any shelter under the flags of their own countries. That we are bound by every consideration of duty and feeling to take an especial interest in the fate of those countries, now possessed by France on the African continent, which were restored to her dominion by Great Britain. And we cannot reflect without the deepest pain, that whereas, while under our protection, they not only enjoyed a temporary respite from their miseries, but were beginning to enjoy the security and comfort arising from the exercise of a peaceful industry, and of a legitimate commerce; the renewal of the slave trade, which almost immediately followed their cession to France, has utterly blasted these delightful prospects, and has again consigned those unhappy countries to rapine and anarchy, to barrenness and desolation."

It appeared from this, that in 1821 this House addressed his Majesty to complain that Spain, Portugal, France, and Holland had failed of fulfilling the engagements which they had made at the congress of Vienna to co-operate with this country in the suppression of the slave trade. Of these four powers three were no longer liable to the stigma of bad faith, but, on the contrary, had cordially co-operated in this laudable object. Portugal yet remained a defaulter in her engagements; it might be a question whether it might not be proper to press upon that power the fulfilment of her engagements. They might certainly move an address to the Crown praying that an attempt should be made to induce France and the United States to co-operate with a view to inducing Portugal to fulfil her engagements. But what success could he expect from such a proceeding? He feared that such an appeal to France and the United States could not prove successful. Again with respect to Spain. The object of the resolutions proposed by the noble Lord was to induce France to join in inducing Spain and Portugal to condemn to capital punishment all who engaged in this traffic; but might it not naturally be apprehended that France, who in her treaty with this country would not allow her subjects to be punished for that which she admitted to be a crime by any other tribunals than her own, might feel some jealousy of interfering on this subject with another state. What would be the result of this appeal of his noble and learned Friend, and what would France say in answer to it? She might ask Spain to establish a law similar to the law of France in that country, and she might require that Spanish slave traders should be brought to Spain to be tried by such a law. This could be the only practical result of the address moved by his noble and learned Friend. But Spain had already engaged to pass such a law, and Portugal had actually passed such a law; and, therefore, all that France could do would be simply to ask Spain to establish such a law as Spain had already promised to establish, and such a law as Portugal had already passed. They could not ask France or the United States to call upon Spain and Portugal to pass a law which they themselves refused to accede to, and which, therefore, they could not press upon equally independent nations. He must say, then, that he thought the address moved by his noble and learned Friend would lead to no practical result. It was important, however, that the feeling of that House should be recognised on this great subject. It was of importance that they should show that they had the virtue to be moved on this great subject; and that they should show that they knew what was meant by the faith of treaties, and of justice, and humanity. He, therefore, was not willing to let the opportunity escape without recording the sentiments of the House of Lords of Great Britain: and he would propose to their Lordships, instead of the address moved by his noble and learned Friend, and to which with great respect to his noble and learned Friend, he had stated his objections, he would propose, in place of that address, that their Lordships would be pleased to accept an address which he would venture to offer, and which embodied as he hoped and believed the feelings and expectations of their Lordships. The address he would propose was as follows:—That a humble address be presented to her Majesty, to assure her Majesty that this House continues to feel the deepest and most intense anxiety for the entire abolition throughout the world of the nefarious traffic in slaves; to state that this House has seen with great satisfaction that an additional treaty has been concluded between this country and Spain, well calculated to put an end to the slave trade under the Spanish flag; but that this House is deeply concerned that no such additional treaty has yet been agreed to by Portugal, as the flag of Portugal is now extensively used to cover and protect this iniquitous traffic; that this House, adverting to the obligation contracted towards this country by Portugal finally and generally to abolish its slave trade, and recollecting moreover the ample pecuniary compensation made by this country as a consideration for that engagement, is of opinion that the Government of Portugal is bound in good faith to consent without further delay to such additional stipulations as may be found necessary for the complete fulfilment of its said engagement. This was the address which he proposed to move. He begged now to advert to the resolutions of his noble and learned Friend. The first resolution was as follows:—

"That it is the opinion of this House that the reward of persons engaged in suppressing the trade in slaves, by the payment to them of head-money, is highly inexpedient, and ought to be discontinued; and that in lieu thereof there should be substituted a payment in proportion to the tonnage of vessels employed, and the number of guns and of the crew on board the same."

On a former occasion he mentioned that he was entirely consonant with the opinion of her Majesty's Government that a bounty should be granted in proportion to the amount of the tonnage of the captured slaver. But what was the state of the case at present? When a slaver was taken with slaves on board, the captors received *5l.* per head, and also certain compensation upon the breaking up of the captured vessel. When a slaver was taken without slaves on board, then the captors received some compensation on the breaking up of the vessel and also upon the cargo found in her at the time of her capture. The total amount, however, was inferior where there were no slaves on board than where there were slaves. The noble and learned Lord proposed that the practice of head-money should be altogether discontinued; and in lieu of this he submitted that a certain sum should be given according to the tonnage of the vessel captured; and the argument which the noble and learned Lord adduced in support of the proposition was, that the captors were not so ready to capture vessels without slaves as when they had slaves on board. His noble and learned Friend, of course, used this argument with reference to general principles, and not to particular instances. He did not imagine that his noble and learned Friend for a moment intended to cast any reflections on the brave and gallant officers who commanded our cruisers. He took it for granted, that his noble and learned Friend, looking at this question in the ordinary mode of ordinary men, was of opinion that head-money ought to be discontinued. He must take the liberty of differing from the noble and learned Lord in his view of this part of his proposition. There was at present a certain sum annexed to the tonnage of the captured vessels, and it had been some time under the consideration of her Majesty's Government, and his noble Friend near him had, if he was not mistaken, a Bill at that moment in progress for the purpose of increasing the amount given to the captors of a vessel without slaves on board. That this sum ought to be increased he was ready to concede. But he very much doubted the propriety, either on the score of policy or humanity, of the entirely taking away head-money. He would take that opportunity of stating that he never had observed, or knew it observed, that on the subject of the slave-trade his noble and learned Friend had been guilty of the least exaggeration. On the contrary, on the evening when his noble and learned Friend first alluded to this subject, he had stated, that his noble and learned Friend's statement was not exaggerated. It was, indeed, hardly possible for the mind of man to conceive the horrors of some of those slave vessels. It was hardly possible to conceive the revolting nature of the duties imposed on those officers who were compelled, in the prosecution of the philanthropic views of the country, to board one of those vessels. It was a duty from which the common feelings of unrefined nature shrunk, and how much more so the honourable and high-minded men who were employed in putting down this most nefarious traffic. If there was any one thing that absolutely repelled the exertions of humanity, that from its iniquitous, detestable, and disgusting character, repelled common and ordinary motives of humanity, it was the exhibition which one of these slavers presented at the time when captured by a cruiser. There was no doubt but that the negroes were treated with humanity by her Majesty's vessels, but they could not be instantly relieved. The captors were compelled to enter the vessel loaded with its unfortunate victims, they were compelled to witness scenes at which the heart shuddered, and they were compelled to carry the vessel into port, exposed themselves to all the horrors of pestilence. Let their Lordships not, therefore, take away any inducements, even the commonest and the lowest, which could incite men to undergo these hazards. In order to avoid one extreme, let them not rush into another, and in their anxiety to prevent a possible abuse on the one hand, let them not involve themselves in a course of proceeding which would be injurious to the feelings of humanity and justice. For these reasons he certainly could not agree to the proposition of his noble and learned Friend to discontinue head-money altogether. The next resolution of his noble and learned Friend was as follows:—

> "That it is expedient, for the more effectual suppression of the trade in slaves, to employ a number of steam-vessels under the command of the cruisers of her Majesty, and to issue to private individuals letters of marque, to enable them to fit out such vessels, but so as they place such vessels under the command of her Majesty's cruisers; and that the money paid by way of reward on the capture of any slave-trade vessel, as well as the proceeds of the sale of such vessel when condemned, be distributed among the crew of such private vessel, subject to a deduction of one-fourth part, which should be made payable to the officers and crew of the cruiser under whose command the private vessel may be."

Whether any measures of that nature could be adopted was a subject which deserved the attention of his noble Friend (Lord Minto) at the head of the Admiralty, and one which no doubt would engage his noble Friend's attention; but he (Lord Glenelg) begged to repeat an observation which he had before made, that the real difficulty in this case did not arise so much from the want of vessels, as from the want of the right of search, and the want of jurisdiction on every part of the coast. That was the real source of our inability to suppress the trade, and the difficulty was caused by Portugal refusing to concede the right of search. As to granting to private individuals letters of marque, it was a proposition which might and indeed must be attended with serious difficulty. He had no doubt that many of those who would fit out vessels would engage most zealously in the cause; but, arguing from the principles of our common nature, was it unlikely that there would be others of them, masters of those small vessels thus swarming on the coast, who would be liable to the suspicion of in some degree giving way to the temptations that surrounded them.

Lord *Brougham:* They would be under the command of her Majesty's cruisers.

Lord *Glenelg:* Yes, but could the cruisers continually have their eyes on those small vessels? It might happen that in some, if not in many, instances the temptations towards putting down the slave-trade might give way to the temptations of keeping it up. He for one had not such a degree of confidence as his noble and learned Friend in the masters of small vessels with letters of marque, and he was afraid that the proposition of the noble and learned Lord would have the effect rather of aggravating than of removing the evil. But more than this, it was impossible to accede to the proposition of his noble and learned Friend, and at the same time adhere to the treaties which had been contracted with the powers to which he had alluded. It was expressly stipulated in them that the vessels employed in putting down the slave trade should be of the royal navy. If anything could shake the faith of other nations in these treaties, and throw doubt and suspicion upon the object which the country had in view, as well as difficulty in the attainment of that object, he thought it would be by acceding to and acting on the proposition of his noble and learned Friend. And, moreover, if the country did act upon the noble and learned Lord's suggestion, what was to prevent other countries from following the example? If they conceded this privilege to their own people, what was to prevent Spain, France, and Portugal from granting letters of marque also? and he would ask whether this would advance the great object they had in view? But more than this, one of the stipulations of the treaties to which he had alluded was, that the nation to which the cruiser belonged should be answerable for any wrong which the cruiser should commit, and should indemnify the injured parties. What, then, would be the consequence of giving these small vessels letters of marque? Perpetual questions regarding national interests would arise out of the conduct of the masters of these vessels—questions which would involve national discussions, and of which they could not possibly anticipate the consequences. He must, hope, therefore, that this resolution of his noble and learned Friend would not meet with the approbation of their Lordships. He regretted to be obliged to trespass at such length on their Lordships' attention. The object which the Government had in view coincided with that of his noble and learned Friend; but with respect to the address, and two first resolutions of his noble and learned Friend, he had stated the reasons why it was impossible for him to accede to them. Having done this, he would now proceed to a most important and interesting subject; namely, the subject of apprenticeship in the West Indies. He did not know that it was necessary on this subject to trespass upon the attention of the House at any length: but the resolutions his noble and learned Friend had placed on the table of the House, obliged him to state generally what were the views of her Majesty's Government respecting them, and also what were his views respecting the subject to which they related. He certainly agreed with his noble and learned Friend, that it was not true that the state of apprenticeship was worse than the previous state of slavery. He agreed with his noble and learned Friend that the apprentices had on the whole been gainers by the change that had taken place in their situation. He believed that that change had been much more advantageous than his noble and learned Friend seemed to suppose, and that although there had been abuses and difficulties, and although evils had arisen of a serious nature, still he thought that the negro population of the West Indies had much benefitted by the change that had taken place in their condition. This, he believed, was in general the case with all the slaves. It had been frequently observed by those who had visited the colonies since the Abolition Act came into force, that there had been a decided improvement in the manners and appearance of the negroes; and even in Jamaica, which was most obnoxious to the observations of his noble and learned Friend, the reports that had been laid on the table of the House, and observations of visitors, proved that a great change for the better had taken place in the condition of the negro. He had, perhaps, more opportunities than many of their Lordships of inquiring on the subject: he had received reports from all parties and of all descriptions, and he was satisfied that there had been a great improvement in the character and demeanour of the negro population. But did he deny that any grievances were inflicted on the negro population? Did he say that his noble and learned Friend had in any instance exaggerated his representations? No such thing. He was deeply grieved to admit that evils of a very serious nature did still prevail, and he regretted to say, that those evils were still more deeply felt in Jamaica. It was no pleasing task to make this declaration. It was with the deepest pain he did so; and in the situation which he had the honour to hold, he should feel that he ought to avoid, if possible, making a declaration which his duty compelled him to make. The complaints respecting the state of the other colonies were not so numerous or considerable as those respecting Jamaica. He must allow, with respect to the latter colony, that many evils existed which might be made the grounds for claiming the abolition of the apprenticeship system. He was aware that the negro race had shown great patience, docility, and forbearance in the state of transition in which they had been placed; he was aware that they had displayed much calmness, mingled with gratitude to the Supreme Being and to this country; he admitted also, that the negro was willing to work for wages, although this point was disputed; but, in his opinion, all these did not furnish a sufficient reason for abolishing apprenticeship. What were the reasons for its establishment? They acknowledged the right of the slave to freedom, but they continued him in a state of apprenticeship, partly with reference to the interest of the apprentice, and partly with reference to the interest of the planter; for the interest of the apprentice, because he was not prepared for sudden freedom, and the interest of the planter required it in order that he might not suddenly be left deprived of all assistance in the cultivation of his estates. It was hoped and believed that the interval would be assiduously employed in allaying and reconciling former animosities, and in originating feelings of mutual kindness. These reasons still continue. It should also be recollected that for a period of six years the planter was assured, on the faith of Parliament, of the labour of the negroes on his estate. So long, therefore, as they secured to the apprentices that protection which was due to them, so long had they no right to call upon the planter to release his apprentices. But independently of these considerations, he believed that the sudden emancipation of the negroes would be far from being of that advantage to the parties themselves which those who demanded it looked for. He believed that the very agitation of the subject would produce excitement, irritation, and disturbance throughout every district. It would lead to vain expectations on the one side, and it would keep up a spirit of animosity and antipathy on the other, and, in fine, it would revive all the elements of discord between the two parties. Such an experiment as that proposed by his noble and learned Friend would in his opinion, be dangerous to the peace of the country; it would be dangerous to the proprietors of colonial property, and it would be dangerous to the very people whose interest his noble and learned Friend was desirous to protect. He would ask, was it true that the situation of the apprentices was in any way inferior to that of the slave? Many circumstances might be stated to prove the contrary, but he would not trespass with any long details; he must, however, allude to some of them. One of the great purposes of the Abolition Act, was to appoint magistrates especially to protect the slaves. Magistrates had been appointed, but how had they been received, and how had they executed their duties? In many instances they had performed their duties, but, in Jamaica, especially, the magistrates had been most improperly interfered with. A system of gradual annoyance had been practised, not of a nature to be openly and publicly noticed, but still quite sufficient to defeat the purpose for which they were appointed. Every advantage had been taken of technical distinctions of the law to interfere with the course of the magistracy. It was a fact, that though it had been intended that these magistrates should have free access to every part of an estate where an apprentice could be oppressed, they had been carefully debarred from that liberty. Various devices had been resorted to in order to baffle their exertions to discharge their duty, and the administration of justice had been thwarted and impeded in every possible way. It was true also, that in many cases, apprentices had been condemned to workhouses or houses of correction, placed under local laws for apprentice offences, or offences affecting the interest of his employers. For every inconsiderable offence of this kind, the apprentice was committed to a workhouse; he was removed from the protection of British law, and from that moment the admission of special magistrates was carefully prevented. He would not enter into more sad scenes to which his noble Friend had alluded, as occurring in these workhouses—scenes on which it was impossible for the mind to dwell without horror. He had felt it, his duty, however, to take particular notice of a pamphlet published last summer, by James Williams, apprentice, Jamaica, which he thought it likely might have met the eye of many of their Lordships. He had sent particular directions to the Governor to set on foot a thorough investigation of his case, and he regretted to say, that too much foundation existed for the statements made in that pamphlet, the truth of which he could hardly have believed. The reports of the Commissioners who had conducted the inquiry, would be laid on the table shortly, when their Lordships would have an opportunity of judging for themselves. Many facts had been elicited regarding these workhouses in the course of the examination before a Select Committee of the House of Commons, which proved that the most horrid cruelties were perpetrated in them, and presented a most disgusting picture of West Indian punishment. He had, accordingly thought it necessary to send out Captain Pringle last autumn, to inspect those workhouses, in order to ascertain the means best adapted to improve them, and to effect a thorough reform in the system. That gentleman had been frequently before employed on missions of this description, and his report would be presented in April, when Government would be ready to give effect to the suggestions contained in it. Many allowances and indulgencies enjoyed by the slaves under the old system, had, he was sorry to say, been refused to the apprentices by the planters. It was usual formerly to allow a mother to attend any of her children when dangerously ill, and not to require her to make up the time so employed. Mothers who had six children and aged persons were not formerly expected to work in the fields. He regretted to have to state that these customs had been discontinued; and now a mother was refused permission to see any of her children, even though in a dying state, and old age was exposed to the same hardship as the confirmed strength of manhood. He did not mean to include in the censure which such conduct deserved, the high-minded and respectable part of the West Indian proprietors, some of whom adorned their Lordships' House, who he knew were distinguished for parental kindness to the population of their estates, and who disdained such mean and contemptible attempts to disturb the working of the apprenticeship system. There were, however, many who were swayed by these antipathies of former times, who could not vanquish the feelings which formerly guided them, when in the possession of absolute power, and the House of Assembly at Jamaica had proved that it was too open to such influences. It was a common practice formerly, to allow the food of the apprentices to be brought to them in the field where they were at work, and persons supplied them with water during the hours of labour. These indulgences were, however, in many cases, completely abrogated; and the apprentices had to spend the hour which was allowed them for their meals in procuring and cooking their food. There was another hardship alluded to by his noble Friend very much affecting the condition of these unfortunate persons—the distribution of their hours of labour. In Jamaica, very great discontent had been produced, by forcing the eight hours' system on the negroes. The nine hours' system had allowed them half a holyday on Friday and Saturday, but the eight hours' system left them only the refuse of the day for raising their own provisions. Another subject of complaint was, that the final manumission of the apprentices was delayed by the high price set on their freedom. The classification of the apprentices was another grievance of great magnitude. The apprentices were divided by the Abolition Act into non-prædial, and prædial, the first division of whom were to be set free on the 1st of August 1838, the other on the 1st of August, 1840. It was thus a matter of considerable importance that the negroes should be correctly classified. In most of the colonies, laws had been passed regulating the manner in which they were to be arranged. These laws varied much in their enactments, and in some colonies the negroes had not been consulted on the subject. In Jamaica no classification law had been passed till last year, and then it was of such a nature that the Government of this country had been obliged to disallow it. He could not doubt that another bill, making provision for effecting those arrangements would be introduced—he hoped in time to perfect the classification before the arrival of the time for the manumission of the non-prædial apprentices, which was fast approaching. Such were the grievances of which the apprentices complained, and the question naturally arose whether a fair opportunity had been afforded to the local assembly to redress them. He had, all along, been convinced that the true course was, to obtain from the local government the correction of those grievances. In order to the attainment of one great end proposed by the Emancipation Act, the conciliation of the negroes, it was of paramount importance that the conduct of the local governments, and particularly the local assemblies, towards them, should be marked by kindness and forbearance. This was a principle to which he thought they would assent on its first enunciation, and it would recommend itself the more deeply to their conviction the more they considered the consequences that might ensue from disregarding it. Efforts had been made to induce the local assembly to correct these grievances, and a noble Friend beside him, (the Marquess of Sligo, we believe) had exerted himself much for the same purpose; but those efforts had been rejected. He had to observe that one mode adopted of annoying the magistrates was by prosecutions and actions at law against them. If a magistrate were considered to act in a manner contrary to the interests of a particular planter, he was instantly threatened with a prosecution, and thus by proceedings of this nature men were deterred from the rigid and exact performance of their duty. Where magistrates had been so treated, and were condemned with costs, the country had indemnified such magistrates. Thus these magistrates were not permitted to suffer any pecuniary loss. But what indemnity was this to such gentlemen for all the care, the trouble, the anxiety, and, it might be even added, the partial loss of character thus entailed upon them? They were held up as objects of odium to men of their own character and creed; the courts of justice were closed against them, and the proprietors were triumphant. In this latter sense, at least they could not be indemnified. Now, the Assemblies had been called upon to redress these grievances. Another mode of annoyance adopted was, that where there was a very zealous magistrate he was summoned to the House of Assembly, and called upon to give evidence before a Committee. Upon his arrival the Committee was not found sitting; he was thus then detained from his duties; several weeks passed away; the Committee never sat. This, then, was another mode of exposing a magistrate to vexation and contempt. His noble Friend (the Marquess of Sligo) had appealed to the House of Assembly upon this and many other grievances. Sir Lionel Smith had sent a message to the House of Assembly recommending to them the consideration of many such grievances. The message was sent on the 2nd of November; it was referred to a Committee. The House sat until December, and then it adjourned at an unusual time, until February, and not a single topic recommended to its notice had been taken into consideration. Whatever pain he felt in alluding to these circumstances, he begged to say, that the Government was prepared to take measures to correct evils which were so glaring; and however reluctant he might have been to appeal to Parliament, or to recommend its interference with the local assemblies, yet he never disguised from any person, that cases might arise in which the Government would be bound to appeal to the Parliament of England from the local assemblies. Two years ago he had been obliged to introduce a Bill, which ought to have been passed by the local assemblies. In the few observations that he had there made he had stated, that the subject of slavery in all its parts, and that apprenticeships were reserved as sacred for the cognisance of Parliament. He had stated, that he relied on the local assemblies to carry the Act into effect; but that Parliament would never permit the Act to be defeated by the local assemblies. The Act that he then introduced was, he believed, passed without any opposition. He had then repeatedly stated, that it was the intention of the Government to appeal finally to Parliament. This, too, he had stated to parties who had addressed him, and recommended the immediate abolition of apprenticeship, and who in addressing him had referred to the grievances to which he had alluded. He had stated to them, that though the Government would not recommend the immediate abolition, yet that it would have no hesitation, if it were necessary for it, to appeal to Parliament to redress the grievances of the apprenticeship population. Now, it was necessary for him to say, that though they had nothing to hope for from the local assemblies of the colonies, yet he trusted, that they had everything to hope for from Parliament. He intended to introduce a measure to meet the evils to which he had referred. With respect to the workhouse system, he had stated, that Captain Pringle had been sent out for the purpose of reporting what measures were required, and what alterations ought to be made. Before they passed a law upon that measure it would be necessary for them to have the Report before them; but supposing they had a law regulating the workhouse system, yet it was his opinion that it ought not to be mixed up with the Act relating only to apprentices; for a law relating to workhouses must be a permanent measure, and therefore not connected with that which must be of a temporary nature. He should propose a measure which was intended to redress the grievances of apprentices; but with respect to the workhouse system, though the law regulating it was intended to be permanent, yet the apprentices would, between this and the intermediate time of their emancipation, have the advantage of the protection of inspectors, and the means secured to them for the redress of any wrong done to them. He should propose, that all the places in which apprentices were employed, all places which were intended for the purpose of concealment, should be laid open—that the workhouses, the houses of correction, "the hot-houses," as they were called, should be laid open—the Act should give to the magistrates the right to inspect all such places. It was further intended to be proposed, that the Governor should be authorised to declare by proclamation the arrangement of the hours for the employment of the apprentices, and in such manner as he should think proper. With respect to the allowances and the indulgences that were permitted in a state of slavery, but denied to them as apprentices, the Governor was to enforce the concession of these indulgences. Then, with respect to the manumission, he thought it might be proper to enable them to introduce into Jamaica the same system which they had in the Crown colonies with respect to the tribunals before whom the manumission was to be judged. There was further this evil to be provided against, which had been inflicted upon the slave apprentices, and their protectors the stipendiary magistrates. It was intended to provide, that the Governor should have, when prosecutions were commenced against the magistrates, the power and the discretion, exercised with the advice of those whom he should feel it to be his duty to consult, where he saw such legal measures were taken against magistrates for the purpose of inflicting upon them anxiety, injury, and delay, that in such cases he should have the power of arresting the progress of such prosecutions. In those cases where magistrates had been subject to a heavy penalty, it had been left to the discretion of the Governor to see whether there was a case in which the Government ought to indemnify the person proceeded against; the advice of counsel was taken to know whether it was a case in which the Government ought to repay the expences. The Governor could act in the same manner when legal prosecutions were instituted. This proposition, he thought, would be a very great improvement for the purpose of removing that which was used as an instrument of terror towards the magistrates. He thought, too, that some measure ought to be adopted to provide that, previously to the day on which non-predial apprentices were to be emancipated, that measures should be taken to secure that all such apprentices should have the full opportunity of knowing what was the real state of the case, to make them cognizant of their rights, so that they might be able to plead their own cause. Care, too, should be taken to have an impartial revision of the classification lists. This should be looked to especially with respect to Jamaica. If the classification were proper, then the task to be performed would be a satisfactory one; but, if it were not, then the Governor ought to have the power of adopting the classification applied in the crown colonies, and this, too, without the necessity of referring home. By giving a power to the special magistrates of obtaining admission into all the dens and secret places where apprentices were to be found, a valuable check would be afforded for preventing the practice of cruelty. Further than this, it should be provided, that, when the Governor was satisfied, upon good authority, that the apprentice had been suffering injury, which was the result of cruelty, passion, and injustice, then the Governor, of his own authority, and at his own discretion, could free that person immediately. This, he was sure, would be considered by their Lordships a measure that would have a very material effect. It would at once put an end to that fatal and horrible practice, the flogging of females in those places for penalties incurred on the failure of apprenticeship duties, and which failings had so frequently been made the false pretext of vengeance to gratify evil passions, because the person punished was not a slave. The penalty he proposed for cruelty would, he was sure, be dreaded by fraud and tyranny, and it would, he was sure, be found as a shield to throw over the slave. With respect to the circumstances connected with the state of slavery and of apprenticeship, there was nothing more revolting to his mind, nothing had produced a greater impression upon the people of this country, than the application of the lash. It was a system degrading in every respect; it was a system so horrible, that if they abolished slavery, and yet left the power of continuing the lash for apprenticeship offences in a single case, they still left such the actual victims of slavery. The act of abolition forbade females being lashed for apprenticeship offences. That provision, he regretted to tell their Lordships, had been set at defiance; it had been scorned and contemned by the injustice and the revenge of the former masters of those unhappy slaves. The ingenuity of man had been exercised for the purpose of inflicting tortures upon his fellow creatures. And who did their Lordships suppose had been selected for the purpose of inflicting cruelty in the houses of correction? Why the class of men selected were the very class that ought not to be chosen—they were convicts for life—men dead to all sense of honour or feeling, and of humanity; these were the men who did not refuse to apply the lash to females, who entered into a vile combination with their employers to glut the evil passions of both. They who indulged the aspirations of vengeance were men lost to all thoughts of happiness, of hope, and of respect for themselves. In spite of the law, females had the lash applied to them for apprenticeship offences. This was a stain upon the Legislature. He admitted it: and hence, he said, they might trace the fatal course of a bad system; for even when they abandoned the same system, yet they were not able to abandon the dreadful consequences which resulted from it. When an evil system was once adopted dishonour and disgrace attended upon it. It was left by them as a fatal warning to other nations; for it apprised them that the bad which was done in the moment of triumph and success would live after it, and that its evil consequences would remain. It was vain to expect, that, in a short time, the mischief would pass away, or that, when they had abolished the evil, its consequences could instantly be abolished. The passions and the desperate resentments which had arisen in the progress of the system, would compel them still to adhere to desperate resources. Thus it was, that the punishment of the lash had not been at once abolished. They were compelled to use the whip with apprentices, because the whip had been the badge of slavery itself. He believed their Lordships would agree with him in thinking, that the time was now coming when the punishment might be safely abolished. In many parts of the West Indies—in the Bahamas, for instance—there had been scarcely any flogging for some months; there was literally none, except two instances which had recently happened. In all the West India islands, in Guiana, the punishment was scarcely known amongst the numerous planters. Then he thought that they ought to take a fixed period in which the punishment of all flogging for apprenticeship offences should be extinguished. Therefore it was, that he intended to propose a measure by which it should be provided that, after a given period, no crime—that is, no apprenticeship crime—should be subjected to the punishment of the lash. These were the general provisions of the measure he intended to introduce. He might enlarge upon them at greater length; but that was not the place, nor, perhaps, the exact occasion, for urging them. He trusted, however, the period had at last arrived in which the local assemblies would feel that they ought to assist the authority of Parliament. The noble Lord concluded by declaring, that he should give his vote against the resolutions proposed by the noble and learned Lord.

The Duke of *Wellington* said, he had paid the greatest attention to the statement made by the noble and learned Lord, as well upon the former as upon the present night, with respect to this subject. He did not come exactly to the same conclusion as that at which the noble and learned Lord had arrived, nor did he concur with the objects which the noble and learned Lord had in view. He had, too, paid the greatest attention to the statement of the noble Baron, and he agreed entirely with the noble Baron in the statement that from the period that the abolition of the slave trade had been determined upon the utmost efforts had been made by all the Governments of this country, and most particularly from the year 1814, to carry that abolition into effect. He had himself been employed at the different congresses from 1815, and at all of them he had co-operated with his noble Friend Lord Castlereagh in carrying into execution what was the desire of this country. He agreed with the noble Baron in what he had stated with respect to all the details; but unfortunately it happened that they had the strongest prejudices to contend against, both with respect to obtaining the measures they required, and the interests of the countries under the government of their allies. But until the years 1819, 1820, and 1821, no great progress had been made in the negotiation of treaties to carry the abolition of the slave trade into effect. At the same time, at the Congress at Vienna, he could state that all the great powers of Europe who were concerned in the transactions of the time expressed their horrors at this particular trade, and their desire to co-operate with this country in putting an end to it. He must likewise agree with the noble and learned Lord opposite in the statement which he had made in respect to the horrors of that trade: he meant that statement which the noble and learned Lord had made with respect to the casting individuals into the sea, having irons and chains upon them. He knew that he had been authorised to state, and he did state, and he did prove to the Congress that he attended, namely, that those unfortunate persons were confined in casks, with irons on them, and that those casks had been thrown into the sea, and were seen floating past the vessels in pursuit of the slavers. He believed that he had proved to the satisfaction of those whom he at the time addressed that not a less number than from 60,000 to 80,000 had been exported for the purposes of slavery from Africa every year. This, he thought, he had proved clearly; and he had proved it to Congress on the part of Great Britain. Under these circumstances, then, he should be happy to concur in any measure which would tend to put an end entirely to this traffic. He had no such faith in the measure proposed by the noble and learned Lord, as he did not think that it was calculated to produce this effect. The proposition of the noble and learned Lord was, for that House to present an address to her Majesty, in order that her Majesty might procure the concurrence of the United States, of France, and of Spain, to have this trade declared piracy. It was really necessary that when that House appeared before her Majesty, to propose to her Majesty the adoption of means to attain a particular object, that that object should be accurately defined, and that there should be no doubt whatever with respect to the meaning of that House, and what it was the intention of that House that her Majesty should express as her desire to foreign powers. He begged to know what was the meaning of piracy as attached to the slave trade in this country? What was the meaning which this House and the country was to attach to the term "piracy," or what was the punishment to be inflicted upon subjects of this country in foreign countries? What was the punishment for piracy in France, in Spain, in Portugal, and in the United States? What was the punishment to be supposed by foreign countries that there was to be inflicted upon their subjects who were brought home as guilty of the crime of piracy? It would be necessary for this House, before they addressed her Majesty, or called upon her Majesty to propose to other powers to concur with her, to declare what was the punishment to be inflicted for the crime of piracy. The noble and learned Lord did not state what were to be the punishments for the crime of piracy. The punishment was now transportation for life, and the crime was formerly punished by sentence of death. He should like to know what was the punishment for piracy in France, and what it was in the United States, and what in Spain, and what in Portugal, and did their legislation agree with that of this country in the last year or in the present year. Upon all these points the House should have a clear understanding, and they must be under the necessity of explaining clearly what it was they desired, when they approached her Majesty on the subject, and when they recommended to her Majesty to enter into negotiations with foreign powers. Then, with respect to the first resolution proposed by the noble and learned Lord, with regard to the rewards to be given for the capture of slavers, for the capture of vessels engaged in the slave trade—this was a question on which he should think the House of Lords ought not to originate any opinion whatever. It was a question which belonged to the executive government—it was a question to be settled by her Majesty with the Lords of the Admiralty. It was a question with regard to the disposal of money, and it was one on which it was desirable that the House of Lords should not originate a resolution. Then, in respect to the proposition of the noble and learned Lord, that they ought to issue letters of marque, he thought that it was a part of the question which had been completely answered by the noble Baron. According to their treaties with all foreign powers, and more particularly as respected their treaty with France, it was impossible for them to authorize any such vessels to be employed in this service. Each of these vessels should carry not only the orders of the commander of the vessel to which it was attached, and an order from her Majesty's Admiralty, but also an order from the French Admiralty, before it could move in the least from under the guns of the vessel to which it was attached. He did not know how the noble and learned Lord could answer this objection. But it seemed that they could not at all issue letters of marque under the operation of the treaties into which they had entered for the purpose of putting an end to the slave trade. Under these circumstances, then, he did not think that the House could recommend to her Majesty the adoption of the proposition of the noble and learned Lord. He confessed, that it was with the greatest pain he had heard the speeches made by the noble and learned Lord, and the noble Baron opposite. He had been in hopes that the colonial assemblies, and most particularly the assembly of Jamaica, would have proceeded frankly to carry into execution all the measures necessary in order to deal fairly with the apprentices and with this country, which had advanced so large a sum for the purpose of compensating those who might be injured by the act of emancipation. He confessed, however, that he was happy to have heard the noble Baron state, that it was his intention to propose to Parliament measures which should enable the Government to see that the arrangements which had been made were strictly carried into execution, and that their Lordships would, therefore, not be under the necessity of passing the resolutions which the noble and learned Lord had proposed with a view to attain the same objects. He should have been very unwilling to have had to vote for the resolutions of the noble and learned Lord, instead of having to vote for the bill which he understood would be proposed by Government, having the same object in view. It appeared to him, that it did not become their Lordships to pledge themselves by resolutions having legislative enactments in view, instead of voting for a measure regularly, in which those enactments were proposed and immediately brought before them. He agreed with what had been stated by the noble Baron opposite in respect to the Slave Abolition Act. He conceived that Parliament interfered for the benefit not only of the slaves who were ultimately to be made free, and in the mean time to be apprenticed for a certain number of years, but likewise for the benefit of the planters and landholders in the West Indies; and he did not conceive that, because the colonial assemblies in the West Indies had not done all they ought to have done in order to carry that measure into execution, or that because, in some respects, the measure had not produced all the benefit which their Lordships expected from it, therefore they should, at once, say they would not carry it into execution at all after the month of August, 1838, but that all persons then apprenticed should be free. He did not think that that would be a fair mode of proceeding, and such a course he could not consent to pursue; nor could he consent to carry, by resolutions, those regulations which it was necessary to make, and which the noble Baron intended to bring forward regularly for the consideration of the House in the shape of a bill. Under these circumstances, he should feel it incumbent on him to vote against the resolutions proposed by the noble and learned Lord, at the same time, expressing his willingness to take the same subject into consideration in the form in which it was proposed to be brought before the House by the noble Baron.

The Marquess of *Sligo* observed, that after the able, historical, and eloquent speech of his noble and learned Friend, it would be most tedious to their Lordships were he to detain them, by any address, beyond expressing his thanks to his noble Friend at the head of the Colonial Department, for the measure which he had promised to bring forward upon the subject. He was confident that no person who was acquainted with the state of the West-India colonies, and, at the same time, untainted by colonial prejudices, would deny, that the time was now come when it was important to effect a final arrangement of this question. After what had fallen from his noble Friend (Lord Glenelg) he hoped that his noble and learned Friend would be induced to give up the idea of dividing the House, in order that there might be unanimity on this subject on the part of the British Parliament, and that the colonists might feel that one opinion only prevailed amongst them.

Lord *Brougham* said, that as he perceived the debate had now come to a close, he should avail himself of the few minutes which it was the usual course in this as well as in the other House of Parliament to extend to the proposer of any measure, whatever might be the ultimate decision of their Lordships upon the propositions before them, for the purpose of making one or two observations upon the statements by which his opinions had been attempted to be impugned, and by which his propositions had been opposed. He would pass over a great portion of the statement of his noble Friend (Lord Glenelg) upon the subject of the abolition of the slave trade, because the whole history of which he had treated of the means which had been employed by this country to prevail on foreign powers to abandon that execrable traffic had this prominent and striking feature in it, that though they showed what indeed no one ever denied--for the man must be deprived of his memory to have forgotten it, and of his reason to have expected otherwise—that though France had joined with us, and Spain had given her tardy and reluctant accession, and Holland had assented to become a party to abolish that detested traffic, yet, as long as there remained Portugal opposed to us, it signified not if France had joined ten times over, Spain as often, and Holland ten times over too; for that the great wrong-doer, the great criminal, the most atrocious sinner of all—Portugal—had refused to join; nay, even if a much feebler, if there were a feebler government than that of Portugal—according to the logic and the principles of the foreign policy of his noble Friend at the head of the Colonial Department, and also, as it seemed, of another noble Friend of his in another place, who was at the head of the Foreign Department, and who had given his adherence to that policy—according to their joint principle, even the accession of all the world besides—if a less power than Portugal—if Tuscany, Genoa, or that great commercial country Austria, and all those other slave-trading countries of Europe were to refuse—even that accession would be absolutely nugatory, null, and of no effect. What signified it to him, when these criminals were steering abroad as notorious as the sun, polluting land and sea with their crimes, laying waste Africa with their robberies and murders—what signified it to him to be told, that England had at length wearied out by constant appeals—those other nations who were induced to join the treaty of 1821, and that of the four states that were formerly criminal, three had ceased to be criminal now? Why, if that fourth state continued to be criminal, and if from 60,000 to 80,000 miserable negroes (as their Lordships had been informed) were carried yearly over to America—in other words, if 60,000 or 80,000 victims of this horrible felony were yearly torn from Africa and sold as slaves, what did it avail in argument to say, that France and Spain and Holland had abandoned that traffic? "But," said his noble Friend (Lord Glenelg), "Portugal is so weak that there is no getting her to give up the slave trade." If she had been as strong as France, what, then, would have been the argument? "Oh," it would have been said, "Portugal is so strong that there is no venturing to provoke her by daring to call upon her to give up the slave trade." So that, be she weak or be she strong, there was no help; she must be allowed with impunity to pollute the land with her crimes, and the sea with her piracies. But with the same logic his noble friend had argued, that if he required Portugal to give up the slave trade, and if she should give it up, there would be other states still opposed to its abolition; and his noble Friend had cited Austria—disinterested Austria, with all her colonies, with all her slave plantations, with all her vessels engaged on the African coast, as well as in other places—but which no black slave ever heard of before! Then there was Prussia, then the Hans Towns, then Sicily, and then Tuscany. Yes, his noble Friend had actually quoted Tuscany as a part of that confederacy which existed for the upholding of the slave trade. Why, he might have gone to the Grecian seas and have enumerated the Greek pirates—he might have referred to Algiers and to Tunis; and if the Bey of Tunis, or any other state which had a flag at all, were only reluctant to give up the slave trade, that one flag might set France, Spain, Austria, England, Holland, Portugal, Genoa, ay, and even Tuscany at defiance. Though France, and Spain, and Portugal had yielded to your entreaties, yet if one state, however powerless, refused, the slave trade should ride triumphant over the world; because, according to his noble Friend's argument, one flag was as good as one score. Was that the way, he would ask their Lordships, in which they treated Algiers? No! They summoned Algiers to give up piracy, though her outrages were not one-half so numerous, her crimes not one-hundredth part so black or so offensive to all the feelings of human nature; yet they summoned her. Algiers had pilfered and pillaged the ships of other nations—crimes which with us were not one-twentieth part so criminal as those committed by Portugal, and yet we sent a squadron and bombarded Algiers; and the consequence was, that piracy ceased. He had been told by his noble Friend, that there was no chance of the French government agreeing to this proceeding with respect to making the slave trade piracy, because, said his noble Friend, the French government refused to allow its subjects, if taken in the act of committing piracy, to be tried before any tribunal except its own. But because a declaratory law had been obtained from the other powers on this subject, did it follow that there might not most easily be inserted a clause providing that the French, or even the whole of the foreigners, should be tried, when captured, before the courts of their own country? He admitted that this would not be so satisfactory a manner of doing it as that of having the persons captured tried at the Sessions of the Criminal Court at the Old Bailey. But, adverting again to the argument of his noble Friend, he would ask were they to listen to this logic for the first time, that a country need only to be weak in order to be released from the obligation of its own treaties? We paid Portugal 600,000*l.* by way of loan; and as we converted the 15,000,000*l.* to the West India planters into a gift, so we afterwards converted the 600,000*l.* into a gift. But, not satisfied with that, as we swelled the 15,000,000*l.* up to 20,000,000*l.* by way of gift to the planters, so we made up the 600,000*l.* to 900,000*l.* to Portugal also as a gift. But the parallel did not end here. We gave the 20,000,000*l.* to the planters for nothing: for it turned out that instead of sustaining a loss by the Emancipation Act, they gained by it. In like manner, we gave Portugal 900,000*l.* to compensate them for the loss of the slave trade; but, instead of losing it, their trade had greatly increased; and did he now ask, that Portugal should refund the 900,000*l.*? that, he conceived, would surpass the efforts of all the financial statesmen in the distinguished anarchy that now reigned upon the Tagus—perhaps in courtesy he ought to have said monarchy, but he entertained too great a respect for a monarchical Government to use that expression in reference to Portugal at the present moment;—no, he did not ask them to refund the money; all he asked was, that they should be urged to perform the contract which had cost us nearly a million sterling. Let them be told in very significant language that they were bound to perform the conditions upon which that money was given to them; and if they were not disposed to perform them, they must, be they weak, or be they strong, abide by the consequences of their conduct. Let that language once be used. Let the British minister but speak intelligible language, and he would answer for it, that he should not have again to complain of the weak power of Portugal, setting, while objecting to fulfil their own treaty, the might of England's power at defiance. He was told that Spain also did not faithfully adhere to the terms of the treaty. The Spaniards had other things to be answerable for besides not carrying treaties into effect. Was it, or was it not the fact that the governor of Monte Video received a large sum of money, as a bribe, for allowing 2,000 of what he called colonists, that was, African negroes, and in chains, and whom, therefore, he (Lord Brougham) called slaves, to enter the port of Monte Video? That had been publicly mentioned, it had been printed in all the journals of northern Europe, and had never once been denied. He firmly believed the statement, and he took it for granted that a representation had been made to the government of Spain, whether weak or strong. [A noble *Lord:* Monte Video no longer belongs to Spain.] Exactly so. He desired, however, and wished to know whether any representation had been made against that faithless breach of a treaty; because it was, on the very face of it, one of the most disgusting artifices that he had ever yet heard used to defeat a solemn obligation. Then, as to the manner in which our own money had been bestowed; when he saw a sum of money so applied he owned he was astonished that a single voice had not been raised, as his noble Friend had raised his voice, and the noble Duke, he was sorry to hear, had followed his noble Friend, in favour of what were called the claims of the planters. His noble Friend, the Marquess of Sligo, had reminded him that before quitting the subject, he ought to say a word respecting piracy. The noble Duke had asked, what, by the law of nations, constituted piracy, and what was its punishment? He could only say, that according to the law of nations, common slave-trading was always considered piracy. If on the way from Fernando Po, for instance, to any point on the coast, be it three, or be it thirty miles distant from the shore, a boat were found with one slave only on board, and that slave were taken by and carried on board another vessel, exactly, according to the very self-same process by which that slave was captured, you can treat that as an act of piracy by the law of nations; and anybody taking the slaver who had done that act, were he a Portuguese, a Spaniard, a Frenchman, or an Englishman, might take him home and proceed against him as a pirate. If this were done beyond three miles of the shore, it would, according to the strict letter of the law, be piracy; but if it happened within that distance of the shore, it would only be reckoned a common man-stealing, and if the violence were accompanied with loss of life, a common murder, and no longer piracy. Well, then, how was piracy to be dealt with? He never could see the use of introducing the slave-trade into the act for abolishing capital punishments for certain offences which in no one feature resembled slave-trading. The rule established by that act was, that offences should cease to be capital only if unattended with violence and blood. Now slave-trading was from its very nature attended by violence and blood; and he never was of opinion that the capital punishment by that enactment, should have been taken away from slave-trading, and he had no objection whatever to see the capital nature of that offence restored. If it were proposed to declare slave-trading a piratical offence, he should have no hesitation whatever in so far amending the law of this country, and in restoring it to the rank which it ought always to have maintained, by making piracy, by the municipal law, a capital offence, as well as by the law of nations. With respect to the arguments of his noble Friend, relating to head money, anything more inconclusive, more inconsistent with itself, more utterly unintelligible, he (Lord Brougham) had never heard advanced. His noble Friend had said, that he had no objection to increase the tonnage money, but he was not willing to give up the head money; and that it was necessary to give an inducement to the captains employed in capturing slave vessels with their cargoes. Why? Because said his noble Friend, it was so very disagreeable a duty; it was so disgusting to be on board of a slave vessel, with a cargo of slaves. If there were two vessels, his noble Friend implied, one laden with slaves, and the other not, the captains and crew would immediately spy the one that was empty, and run on board, leaving the other to escape, unless some additional inducement were held out to them, and, therefore, it was necessary to give head money. And yet these were the men—the captain and the crew — whom he (Lord Brougham) was taunted with having suspected of allowing anything like a sordid feeling to interfere with the discharge of their public and professional duties! The noble Lord at the head of the Admiralty boasted that on behalf of the profession at the head of which he was placed. Now, by the by, he (Lord Brougham) knew many a gallant Admiral who would have blushed to have heard the noble Earl state that he was at the head of their profession.

The Earl of *Minto:* My words were, "the profession at the head of which I had the honour to preside."

Lord *Brougham:* No doubt the noble Earl meant to say that, but what he really did say was—[" *Order.*"] Nay, I appeal to any noble Lord whether the noble Earl did not say—

The Earl of *Minto:* I am perfectly willing to admit that it is possible I may have used one word for another. I am not accustomed to address your Lordships, and have less command of words than the noble and learned Lord; it therefore is possible I may have used the word attributed to me.

Lord *Brougham:* Be it as it might, it it was so understood; and he (Lord Brougham) made an observation on it in his reply, and no contradiction was given. But the main charge against him (Lord Brougham) on that occasion was—how could he suppose anything so monstrous, so unworthy of the honour of the naval service, as to suppose head money made officers anxious to take vessels with slaves on board, rather than vessels that were empty? To which his (Lord Brougham's) answer was, the gross inconsistency of offering head money at all. If the head money was not intended to offer any inducement and excitement to activity on the part of those honourable and gallant persons, then it was utterly useless and completely unintelligible; but if head money was intended to be useful by exciting the zeal of the coast guard, then it could only do so at the precise moment at which alone it was applicable, namely, when they saw that a vessel had slaves on board, and just in proportion as it was effectual to excite their zeal and activity it tended to make them prefer ships laden with slaves to ships unladen. But it now turned out that that money to those who took prize money was nothing: and these men were to be scared from the discharge of their duty, and to be entirely paralysed by the fear of having their senses offended by the atmosphere of a slave ship, and of having their feelings outraged by the sights of suffering and of cruelty that took place on board a vessel laden with slaves. He thought that no man who took a calm and serious view of this most important question, could entertain a shadow of doubt that the utter cessation of head money was absolutely and indispensably necessary. It gave him great pleasure that upon this subject he had the high authority of a noble Lord formerly at the head of the Government, with whom he (Lord Brougham) had acted, who was once at the head of the Foreign Department when first negotiations were opened with foreign powers on this subject, who brought in a bill for the abolition of the slave trade in 1807, and who presided over the Admiralty during a splendid period of the late war—he meant Earl Grey—and who felt a great interest in this question, and just as much interest in the honour and character of the navy as his noble successor who now filled his chair, and whose opinion it was, that it was utterly impossible that head money could be any longer allowed. With respect to the amendment of his noble Friend his (Lord Brougham's) objection to it was, that it was not so effectual nor so precise as the resolutions he had himself proposed. The amendment contained a great deal of congratulation, and passed sentence of acquittal and approval on the Spanish government for the treaty into which it had entered, and by which it had made piracy criminal, whereas that treaty, as he understood, had not yet been completed.

Lord *Glenelg* said, that the treaty with Spain engaged that country to pass a law making piracy criminal; but the law had not yet been made.

Lord *Brougham* durst say that it never would. He had reason to believe, that upon this subject a governor in one of the chief Spanish slave-trading settlements had been known to say, that if he had intimation that it was really the wish of his government to put down the slave-trade, he would put it down in eight and forty hours. Their Lordships were aware of what was passing in one of the Spanish colonies, Havannah; that in Havannah the newspapers had been prevented from notifying the sailing of slave vessels to the coast of Africa, for fear they should be intercepted by the English cruisers. Unless very different steps were taken than had already been adopted, it was clear that the slave trade must go on. He then wished to say one word regarding the system of slavery in our West-Indian colonies. He was exceedingly glad that her Majesty's Government had determined to bring in a Bill to legislate on this subject, and not to leave it in the power of the colonial assemblies. From the statement which had been made by the noble Lord, he understood that the Bill would comprise the several matters contained in the first five of the resolutions which he had moved; but there were one or two others which he had not inserted in his resolution, but which he trusted to see embodied in the Bill. If he had obtained their Lordships' consent to the five resolutions, he would have certainly moved those additional ones, which he still hoped to see carried into effect. Some better regulations with respect to the administrations of justice were absolutely essential and indispensable. It was also a matter of great importance to give more powers to the governor. He was well aware of the difficulty of trusting too much to the governor; much would depend upon the prejudices of the individual, and much on the relation in which he stood with the local assembly. To one governor they might safely intrust one set of powers—to another governor they might give another class—whilst to a third a much more scanty authority and far greater circumspection in the grant were necessary. If, indeed, they could multiply the noble Lord so much as to give him as a governor to each of our West-India Islands [*laughter*]—noble Lords might laugh, but the possibility would be no cause of laughter in those islands—the noble Lord's presence would be hailed as one of the greatest blessings which could be showered down upon the colonies. The manly feelings of the noble Lord, his resolution to perform his duty, his inflexible determination not to be led away from his purpose, his withdrawal from all local prejudices, and his intention to set himself above all the prejudices of the planters, although himself a planter, would lead him to place far greater confidence in a good result than he thought it possible to effect under the provisions of the measure which was to be introduced. He owned that his confidence of success now was very scanty, but far be it from him to say that no good would be done. He thought it extremely necessary, however, to give additional powers to the inspectors, and to free them from actions in certain cases, for the difficulties which attended the working of the system at present were almost insurmountable. They might see the evil which would happen if the stipendiary magistrates were liable, for in the cases of Mr. Bourne and Captain Oldgrave, a penalty of 500*l*. was levied on one and 890*l*. on the other; or they might be indicted for a common nuisance, like Mr. Baines, for only doing his duty. He would have proposed to have vested in the governor the power of staying many like actions. These and many other arrangements might be made by the Bill; but sorry was he to say of the Bill (what indeed applied as well to his own five resolutions), that these and all other alterations could only be regarded in the light of palliatives and temporary expedients: but that the system itself could only work for a few months—that the machinery must necessarily stop when the works were in so great disorder—that whilst a planter bore a planter's nature, whilst a slave existed in the colonies, and whilst there was any distinction between the inhabitants of different colours, the attempt to render this redress of permanent utility was utterly and hopelessly unavailing. The only stop which could be put to the evil of which he—of which all—complained, was at once to follow the example already set by some of the colonies—to abolish the entire system of apprenticeship, and to declare that all the slaves should be free from the 1st of August, 1838. He was told, that this was unfair to the planter; that the planter was the particular object of their care. The planter was undoubtedly the object of his own care in the first instance, and for himself he had sufficiently provided; but he was also to be the object of their Lordships' care, and that he had been to a greater extent than was justifiable. He had seen the returns for which he had moved on a former night of the appropriation of the sums voted, and he must say that some of the planters had received more than the value of the fee simple of their estates; and if not of the whole value of the estates themselves, yet he was sure that it amounted to a great part of the value of the negroes upon them. Seven thousand pounds had been granted to one person, 8,000*l.* to another; repeatedly 20,000*l.* had been paid in hard money; 83,000*l.* had been received by one proprietor in respect of one single property; 83,000*l.* had been awarded to one person out of the money granted by the people of this country. Another person, as he understood, had received 120,000*l.*; and he (Lord Brougham) humbly ventured to suspect that this was more than the proprietor would have lost if he had never during the two years received from his slaves one hour's work on his estates. So far, also, had the value of those estates increased during this time, that those which could now be sold, for eighteen or nineteen years' purchase, could not have been sold for fourteen years' purchase before the grant. One planter had got the 120,000*l.*; yet, as if this portion was not enough to satisfy him, not content with having gained so enormously by the change, he had, as he (Lord Brougham) believed, obtained an order in council, and this led him (Lord Brougham) to give notice that he should bring the subject under the consideration of that House—to enable him and others in the colony of Dutch (now British) Guiana, where the land was most fertile, where the ravages made by disease were most fatal, and where the work and the climate were most prejudicial to negro life, to increase the number of his slaves. They had already obtained leave, not to establish a slave trade, but to establish that which would become a slave trade between Asia and Guiana—to import blacks to any amount, without any security against kidnapping, without any restrictions as to the amount of water to be kept, and the quantity of provisions to be furnished—and not with a voyage of two months from the coast of Africa, but after a voyage from Africa to America of six or seven months. Well did the Government know the truth of what had been stated by the noble Duke, that it was not the slave or the system of apprenticeship that was cared for, but that the planter was to be the object of their solicitude. He (Lord Brougham) saw but one course by which they could put down the lawless practices which now obtained. It was admitted that emancipation was perfectly safe, and it was their duty to accomplish it if they could; it was not denied that the apprentices would apply themselves quietly to work; it was not affected to be believed that there was any danger to be apprehended. The only difficulty which they had feared from emancipation was, that there might be some degree of disquiet produced in the sudden transition from a state of slavery to a state of freedom; and on this ground, and this ground alone, was the transitive state supported and defended. But this ground had been removed, the pretence had been withdrawn, the affectation had ceased to hold, nobody believed that the apprenticeship system was necessary to preserve peace; still it was defended, and on what ground was its defence now put? It was placed on the, if possible, still more untenable ground, that they ought to be influenced by a regard for the interests of the planter, as if the interests of the planter had not been sufficiently attended to—as if the money which had been awarded showed no care—as if there were no fear for the interests of the negro, whilst his master was glutted with gold; whilst one received 83,000*l.*

and another 120,000*l.*; and whilst, not satisfied with this, he wished to eke out his enormous gain by the paltry savings which he might make out of the wages of the slave subsequent to August 1834. If ever in any case there were a departure from all principle—if ever there were a crying and outrageous mockery of justice—if ever there were legislation on false pretences—if ever there were a refusal of justice to an injured party—this was that mockery, this was that injustice. He did not intend to take the sense of the House on the five first resolutions which he had proposed; but he should give an opportunity to those who really wished to benefit the planter of recording their votes upon the sixth resolution, and he should also take a division on the question of head-money. Unless he did not do this he was morally convinced that he would neither discharge his duty, nor satisfy the just expectations of the public.

Their Lordships adopted the Address moved by Lord Glenelg without a division; but they divided on the 6th resolution proposed by Lord Brougham.

Contents 7; Not-contents 31: Majority 24.

The Earl of *Minto* said, that he had received many letters from naval officers complaining of the observations which had been made the other night, which implied that they were fond of blood-money. He had that day called for a return which, when made out, would show the number of slaves captured since the promulgation of the Spanish treaty; and which would show that every endeavour had been made which could be, to take the slaves before the cargo was taken on board. The noble Lord had said, that he had, in all the cases referred to by him, alluded to the authority of a distinguished officer, a Commodore who was in command on the coast; but in his time the equipment article was not in force.

Lord *Brougham:* I did not refer to Commodore Hayes.

The Earl of *Minto:* There had been no Commodore in command on the African coast since the promulgation of the Spanish treaty.

Lord *Brougham:* I did not refer to any other Commodore.

The Earl of *Minto:* If the noble Lord knew of any cases he ought, in justice to the naval profession, to state them, and put the officers concerned on their defence. He would only state one fact: that the return which he held in his hand showed that since the promulgation of the treaty thirty slavers had been taken, part of which were loaded and part unloaded. Of the thirty vessels so taken, nineteen were taken under the equipment article, and eleven had been captured when loaded with slaves. He thought there was sufficient evidence, therefore, that the naval officers did not wait to run after the loaded vessels for the purpose of getting the head-money. He could not consent to allow the members of that body to lie under the reproach of acting only from pecuniary motives; they acted from higher motives, from a strict sense of duty. They had the head-money only as a just reward for their exertions, and he was sure that either with or without these inducements they would discharge their duty with the same zeal. He would appeal to the noble Duke opposite whether, to insure on the part of a soldier the due performance of his duty, he would say, "If you accomplish such an object it will put so much money into your pocket;" he was sure that the noble Duke would consider that the soldier would act only well when he acted from the far higher motive, the sense of public duty.

Lord *Brougham* was surprised that, till after the resolution on head-money had been put, the noble Earl had not made his statement, for it bore so strongly in favour of his proposition to do away entirely with the head-money. If he agreed to the statement that the calculation was correct, and that the proportion of vessels having slaves on board to empty ones, was as nineteen to eleven, and if it turned out that the officer did not care one farthing for head-money—that they acted entirely from the higher motive, the sense of duty, the payment of head-money was then admitted to be useless, and he regretted it had not been abolished. The noble Lord had spoken much of the zeal of the naval officers for the service; and this reminded him of a saying of Lord Thurlow—"Far be it from me to utter anything against an officer in the public employ, either civil or military, for it will lay me open to hear his panegyric." No sooner did he (Lord Brougham) say that money was not without charms, that the love of prize-money was kindred to the heart, than forth came the noble Lord with a splendid panegyric on the exemplary character of the officers, and declared that they were actuated only by noble feelings, that money had no power and no influence, and that nothing moved them but a sense of public duty; and the man who thought otherwise was designated as degrading and ignorant, and stupid, and had no knowledge of naval affairs and naval duties. The noble Earl had appealed to the noble Duke upon this point, and had subjected him to severe trial in keeping his countenance, but this he had accomplished by treating the noble Earl as he would an enemy, though he had no doubt that the noble Duke had more difficulty in doing so in the face of the noble Earl than he would in the face of a French marshal. Had the noble Duke never heard of prize-money in the army, or that the soldier was ever actuated by any other motive than a sense of public duty? The noble Earl had said, that prize-money was no inducement to the naval officer—that he did not care one straw about it—then why did not the noble Earl give it up? That question was easier put than answered. If head-money were of no value, if it had no influence on the sailor, why not give it up?—why call upon the country to pay it? It was paid, however, because the country believed that it did give some inducement, that it did work its way, and that it had some effect. He did not understand the metaphysical distinction which had been made: he did not comprehend the metaphysics of the quarter-deck, which declared that in proclaiming beforehand that for such a service so much would be given, they were merely offering a reward, and not supplying a motive. It was both a reward and a motive when they announced the reward beforehand, and it must have some operation.

The Earl of *Minto* said, that the original charge against the officers was a neglect of duty.

The Duke of *Wellington* said, that the soldier and sailor would do his duty without the offer of a prize; but the Government and the Crown had introduced a system of rewards for meritorious services or arduous duties. He earnestly recommended the noble Lord to keep the decision in his own hands and that of the Crown, and to decide on the matter after a careful consideration of all the circumstances of the case.

Lord *Brougham* remarked, that the reward was not in the hands of the noble Earl or of the Crown. By the 4th section of the Act of Parliament, *5l.* was awarded as head-money, and they must repeal that Act before the system could be changed.

Lord *Ellenborough* said, that as it appeared from the returns that eleven vessels were seized with slaves and nineteen without, it would be better even for the officers that the arrangement proposed by the noble and learned Lord should be adopted, and that in a part of the service where the danger was the greatest, a system of allowance, by way of tonnage, should be adopted.

The Earl of *Minto* said, that the subject was under the consideration of the Government, and it was in contemplation to introduce in such cases a tonnage reward. A Bill to that effect was then before the heads of the Treasury.

The five remaining resolutions of the noble and learned Lord were negatived.

HOUSE OF COMMONS,

Tuesday, February 20, 1838.

MINUTES.] Bill. Read a first time:—Foreign Imitation of the name of British Manufactures.

Petitions presented. By Sir W. MOLESWORTH, from the Working Men's Association at Leith, against the course of policy pursued by her Majesty's Government with respect to Canada.—By Colonel SALWAY, from Shrewsbury, and by Mr. JERVIS, from Denbigh, for Vote by Ballot.—By Mr. JERVIS, from Denbigh, that the income granted to the King of Hanover be discontinued.—By Sir H. VIVIAN, from Launceston, against the system of Negro Apprenticeship.—By Mr. BROTHERTON, from the members of the New Methodist Connexion Chapel in Stalybridge, from Charlesworth, in the parish of Glossop, and from Hazelgrove, for the abolition of the New Poor-law.—By Mr. WILBERFORCE, from Kingston, against abolishing the see of Sodor and Man.—By Mr. HODGES, from Feversham, for several alterations in the Poor-law Amendment Act.—By Sir R. PEEL, from the Inhabitants of Wendon, for a universal Penny-Post.—By Mr. WILLIAMS WYNN, from Carnarvon, and three other places in Wales, against the system of Negro Apprenticeship; from Montgomery, against the Municipal Boundaries Bill.—By Mr. FIELDEN, a great number in favour of a total repeal of the New Poor-law, from places in Norfolk, Lancashire, Yorkshire, Cheshire, and Suffolk.—By Mr. D. W. HARVEY, from Merthyr Tydvil, and from Chippenham, in Norfolk, to the same effect.

RIGHT OF PETITION.] General *Johnson* presented a petition for the abolition of the New Poor-law, from the inhabitant householders of a town in Yorkshire (the name of which did not reach us). The hon. and gallant Member said, that he ought to inform the House that the parties to this petition called themselves remonstrancers, instead of petitioners in the usual way, but as the petition did not contain anything that was disrespectful to the House, he trusted he might be allowed to lay it on the table.

The *Speaker* said, it was clear that the petition was not worded according to the regular form, and it would be for the House to decide whether it ought to be received or not.

Mr. *Warburton* thought, that as it concluded with a prayer, the petition ought to be received.

Mr. *Borthwick* said, that though he was favourable to the object of the petition, yet he thought it so important to adhere to the regular forms of the House, that he should oppose the reception of the petition on the ground of irregularity. He hoped, however, the hon. and gallant Member for Oldham would consent to withdraw it.

General *Johnson* was understood to decline to do so.

Lord *John Russell* thought, that as this paper was not in the form prescribed by the House, the hon. and gallant Member had much better withdraw it now, and present it again in an amended form.

Sir *R. Peel* observed, that if the parties to the document were not aware that they were departing from the rules of the House, there might be some ground of excuse, but as that did not appear, it would be better, in his opinion, to adhere to the usual forms.

The *Speaker* observed, that there was nothing in the petition itself that could induce the House not to receive it. But in point of form it was a remonstrance, and not a petition, and if this were received, he could not say what sort of remonstrances might hereafter be sent up.

Mr. *Aglionby* said, that many petitions subscribed according to the forms of the House, but which in the body contained severe remonstrances, were received without objection. This document was respectfully worded, but announced itself to be a remonstrance; and he could not see why a difference should be made, or that this document should be rejected on so trivial an objection.

Mr. *R. Palmer* said, he was inclined to adhere to the forms of the House. He, however, joined in the recommendation to withdraw the document for the present.

Sir *G. Strickland* said, that as the document prayed the House to do certain things, he thought that prayer brought it within the meaning of a petition.

Sir *T. Fremantle* said, that he had looked at the document, and found that it contained no prayer at all. It was simply a remonstrance against the Poor-law Act, and did not conclude with any prayer. If it prayed the repeal of that Act, then the House might take cognisance of it; not being so, he thought it ought not to be received.

Mr. *Rice* hoped, the hon. and gallant Member would consent to withdraw it for the present. It was signed by one individual only, on behalf of himself and others, and therefore the hon. and gallant Member had only to communicate to that individual that the House, on a point of form, and not from any indisposition or disregard to entertain its object, could not receive it, and therefore to suggest an alteration, putting the document in the proper shape.

General *Johnson* said, he did not think that the parties from whom it emanated would be at all disposed to make the alteration suggested; and therefore he did not feel justified in withdrawing it.

Mr. *Borthwick* expressed his determination to divide the House.

The House divided:—Ayes 10; Noes 200: Majority 190.

Repeal of the New Poor-law.] Mr. *Fielden* rose, pursuant to notice, to move for a repeal of the Poor-law Amendment Act. The hon. Member, who was sometimes inaudible, was understood to say, that he believed this to be one of the most important questions that had ever been submitted to the consideration of that House, that question being whether the poor of the kingdom should have those rights restored to them which had been wrested from them by the Act passed for the amendment of the Poor-laws in 1834. In that question was comprised a second, and that was whether this Act should be continued until the poor were roused to rebellion, and until such a state of things was brought about that there would be no security for either life or property in this country. What were the abuses of the old system? Payment of wages out of rates, and increase of taxes thereby. But what caused this? Taxation! In 1795 it was proved by Mr. Davies, a clergyman of Berkshire, that a reduction of no less than fifty per cent. had taken place in the wages of agricultural labourers; that in the fourteenth and fifteenth centuries a day labourer could earn a quarter of wheat for twenty-one days' labour. At the average price of labour, and the average price of the quarter of wheat for the last twenty years, a man could not earn a quarter of wheat under forty days' labour. What means had we provided to remedy this? The New Poor-law workhouses as "a test" of destitution, and a complicated machinery to affect an uniform system of administration, and correct evils and abuses dissimilar, and requiring different remedies in different parishes. This uniform system was impracticable, which the departure shows, for there has been a departure from the original "test." Originally there was but one, now there are two, the first being relief only upon condition of being shut up, the other latterly adopted at Nottingham, where the people have had out-door labour given to them by the parish at task, and without a *minimum* of wages. This tends to show that the original test is a failure even in the opinion of its inventors, and also to show, what is contended by the opponents of the new law, that a law of this kind to work well should be administered by those who raised the rates, and that the local government ought to be restored which had been destroyed by the new Act. The new law was unnecessary: the people were of that opinion, the payers of rates as well as the receivers of relief. There were few petitions for it, and many against it. But it had been admitted, that the operation of the old law was good in some places. What he (Mr. Fielden) contended was, that it might be just as good elsewhere; and that if abuses had crept in, they ought not to be attributed to the poor, but to those who mismanaged their affairs. It was singular that the Poor-law Commissioners had spoken well of the working of the old law in the borough of Oldham, which would be seen in their report. In those places it was said the rates were moderate, and there was no reasonable objection to the old law. Now, he asked, why could not those who complained of the operation of the old law in other places have adopted that system which had been used at Oldham? If they had so done, what necessity was there for the new law? Now, he begged the attention of hon. Members to the results of inquiries which he had made into the returns of the Poor-law Commissioners themselves, to show how far there had, after all, been any advantage in the new system over the old. From returns, continued the hon. Member, published by the Poor-law Commissioners, the poor-rates were the highest in 1818, being then 7,870,801*l.*; year ending March 25, 1832, 7,036,967*l.*; that ending March 25, 1835, 5,526,416*l.*; that ending March 25, 1837, 4,044,741*l.*, showing a decrease between 1818 and 1835, of thirty per cent., between 1832 and 1835, when the rates were every year decreasing twenty-one per cent., and between 1835 and 1837, of twenty per cent. When payments to be made out of the rates before the new law, and since then have been paid out of other funds, are taken into account, it is questionable whether the new law has effected any reduction of rates at all, and in this opinion I am confirmed by the reduction of rates in Lancashire, and in the West Riding of the county of York, where agitation prevails. In Lancaster (county) the decrease in rates between 1835 and 1837 is seventeen and a half per cent.; in the West Riding of Yorkshire, twenty-one per cent. In a return made to the House of Lords, and ordered to be printed, on the 22nd of May last, the expenditure is given for in-door maintenance and establishment charges for one year, ending December 25, 1836, in 125 unions, comprising 2,312 parishes, and a population of 1,666,150, all that return embraces; and I find by this return that the maintenance of the in-door paupers averages 5*l.* 11*s.* 1*d.* per head for the year—that is, 2*s.* 1½*d.* per week for each person in these union workhouses, and I find that the establishment charges average 9*l.* 15*s.* 8*d.* per head for the year, or 3*s.* 9*d.* per week for each person in those workhouses. So that the cost of maintenance and establishment charges of each person in your union workhouses is 15*l.* 6*s.* 9*d.* per annum, or 5*s.* 10½*d.* per head, per week! By the same return I find that the establishment charges in these 125 unions amount to 2*l.* 2*s.* 0¾*d.* per head on the whole population of the unions. And by a return in the last report of the Poor-law Commissioners, the rate per head of expenditure for the relief of the poor on the whole population of Lancashire for the year ending the 25th of March, 1837, is but 2*s.* 9*d.* per head that is, only 6¼*d.* per head more than the establishment charges alone in those unions; and in the township of Oldham, which I have the honour to represent, the rate of expenditure for the relief of the poor for the same period is only 1*s.* 2¼*d.* per head on the population of that township; that is, 1*s.* 0½*d.* per head, less than the establishment charges alone amount to on the whole population of those 125 unions. Why, then, should this law be forced on my constituents by bullets and bayonets? They wish to know why. From the same returns of the Commissioners I find that in eighteen counties the rate of expenditure per head, with reference to the population, in the year ending the 25th of March, 1834, was less by twenty-eight per cent. than the expenditure was in eighteen other counties under the operation of the New Poor-law in the year ending the 25th of March, 1837, and in which latter eighteen counties, a reduction in the rate of expenditure of forty-two per cent. is said to have been effected since the new law was passed. In the former eighteen counties, too, the highest rate in any one of them is less than the lowest rate in any other one of the latter counties, in which the saving of forty-two per cent. had been effected. This shows that the Poor-law Amendment Act was unnecessary. Then what was the principle of this Act, and what effects on the able-bodied did its framers contemplate? The principle was, that the paupers should in no case be eligible unless they were more miserable than the lowest class who live on their labour. [" *Hear, hear!*"] He wondered what hon. Members meant by crying "hear, hear!" He feared they had little idea of what the tendency of such a principle must be. What were the effects contemplated? First, conversion of paupers into independent labourers, and reduction of rates; second, rise of wages; third, the diminution of improvident mariages; fourth, increased content of labourers, and diminution of crime. But there were certain special effects in the eye of the original Poor-law commissioners. First, supplying a self-acting test to the merit of all claims; second, showing the requisite line of distinction between the class of independent labourers, and thereby checking the tendency to the indefinite extension of pauperism; then removing from the distributors all discretionary powers, and thereby diminishing abusive administration. Now, had the agency employed worked out the principle, and produced these effects? It was true, that the self-acting test had been adopted, and that the rates had been in some places greatly reduced by this new law. It was true that the discretionary power had been taken away, but had wages risen? Had there been a return to content? Had crime been lessened by the new law? That was the question that called loudly for an answer. Upon the point of crime, what was said by Mr. Adey, in his second Report? In the second Report of the Poor-law Commissioners (1836) Mr. Adey quotes Mr. Sniche, of the Biggleswade union, who says the Act is working exceedingly well for all parties, and in confirmation says—"I challenge inquiry amongst the poor themselves, where indeed the inquiry ought to be made." He then quotes from written testimonials of several of the principal occupiers of the union; and of these one says—"I think they frequent the beer-shops as much or more than ever." Another—"I am sorry to say, that sheep-stealing and other depredations have been more prevalent since the system commenced than ever was known before." Another—"They frequent the alehouse quite as much as ever. Poaching and other depredations have increased double to any former period." Another—"I do not feel able to answer as to their frequenting the alehouses, or as regards poaching, &c., as to any alteration." Another—"The alehouses are, I think, more frequented than ever. I am not of opinion that poaching and other depredations have at all diminished, but that the greater crime of sheep-stealing has increased tenfold." Another—"I think poaching and other depredations have been quite as numerous, and sheep-stealing is spreading more every year." The noble Lord (Lord J. Russell) had been pleased to challenge him by referring with exultation to the unions of Biggleswade and Ampthill. The noble Lord had referred to these as furnishing proofs of the extraordinary good working of the system. He had expected that this working would turn out to be not very good; but he was bound to confess, that the working had turned out to be even much worse than he had expected. He had sent two persons down into that neighbourhood to make inquiries, in order that he might be the better enabled to accept the challenge of the noble Lord. He had wished to have more evidence, and evidence of a very different kind from that which had been produced before the Committee. He had proposed to get evidence from twenty-one unions in which it had been alleged that the saving had been the greatest; that wish, however, did not meet with the approval of the Committee. He was permitted to take the three first unions on the list; those happened to be Ampthill, Woburn, and Bedford. He had sent two intelligent persons into those unions in search of information. What was the result of their inquiries? It was this, and further inquiry, if made by the Committee, would show whether the statement were true or false—that deaths in Ampthill workhouse had been quite frightful; that in those unions widows, orphans, and the aged, have had their allowances cruelly reduced; that wages had not risen, but, on the contrary, that they also were reduced, while the head-money, as it is called, had been taken away; that hundreds of labourers were out of employ, and that there were not more employed than there were previous to the new law; that bastardy had increased; that the poor were suffering distress to an extent never before known amongst them; that they cannot get a sufficiency of food of the poorest sort; that their furniture is going; that their bedding is going; and that they are reduced to the last shift, of selling their clothes to buy bread. This is very horrible. All this, however, he expected to hear. But there was something infinitely more horrible than this—something so horrible that he hardly knew how to allude to it, though his duty to the country forced him to do so. He believed, that the case to which he alluded was not the only case of the kind which might become the subject of their inquiry. He believed, that the noble Lord (Lord John Russell) was aware of the existence of another case of the same description. There had been abominations practised in the workhouse of Ampthill of the most horrible description. He had been told, that the porter of that workhouse had made it a place for the corrupting of the male youth of the country. Several youths had been spoken of as the objects of this man's wicked attempts. It appeared, that one youth had been committed to gaol, perhaps to be tried for his life, on the charge of having inflicted severe wounds upon the person of this porter; but, if report spoke true, it would appear also, that the conduct of this porter towards the same youth had been such as to make the porter liable to be tried for a capital offence. The youth being in gaol to be tried, the porter had left the neighbourhood, and, as was alleged, had altogether disappeared, although he, as the prosecutor, should, as a matter of necessity, be expected to be foremost at the trial. He contended, that the management and discipline of the workhouses were most illegal and unnatural. He wondered how hon. Members could, with patience, endure the thought of the savage separation of the people, and of the details of the almost worse than starvation which they were obliged to undergo. As a specimen of the latter, that is, the dietary system, he begged to refer the House to the description given by Mr. Bowen, which appeared in *The Times* newspaper of the 9th instant. That gentleman's description referred to the effects of the water-gruel of the Bridgewater union; among other things he stated as follows:—"It did not affect the poor people so much at first; but after the use of it for a few days they became terribly bad; it ran away from them while standing upright, as they took it. It affected them upwards and downwards; all the way down stairs, across the hall, and down the garden path was all covered every morning, and the stench was horrible all through the house, making the people ill and sick who had not got the diarrhœa." He had received a letter only that morning from a gentleman in Bedfordshire, who was a guardian, who said that he had been favourable to the new measure when it was first proposed, who liked it then, because much good was promised to be effected by it, but who now, having judged from experience of its working, had found it to be so bad in effect, that he had become as strong an opponent of the measure as he was at first favourable to it. He implored the House to consider well what he had been saying to them; he had hoped to impress upon them that of which he himself had felt quite certain—that this atrocious law would never be tolerated by the people of England. That was as sure, as it was sure that effect would follow cause; and if hon. Members should insist upon forcing this law upon the people, he must, for himself, frankly assert that he would not give much for the estate of any Gentleman in that House. The hon. Member, after thanking the

House for the patience with which they had listened to his lengthened details, concluded by moving for leave to bring in a bill to repeal the Poor-law Amendment Act.

Mr. *Wakley*, in seconding the motion, expressed the great satisfaction he felt at the statements which had been made by the hon. Member for Oldham, who had completely developed the injurious working of the bill. At the same time, he did not consider it at all necessary to go into details for the purpose of sustaining the motion with which he concluded. It appeared to him, that the law was so objectionable in principle, so tyrannical in its enactments, so obnoxious to the habits of the people, and so hostile to the spirit of the English constitution, that it should never have been sanctioned by that House, and ought not any longer to continue on the statute-book. The motion of the hon. Member was recommended by its simplicity. It proposed no bit-and-bit reform; it went at once to the root of the evil, and sought entirely to eradicate the mischief. He believed this act never would give satisfaction to the people of this country. In the whole of its arrangements, in the whole of its spirit, in its entire mechanical discipline, it was utterly hostile to the best wishes and feelings of the people. They were told of the benefits it had produced on the one side, and the mischiefs it had occasioned on the other. It was, then, a matter of conflicting testimony; but, admitting that all the advantages described had emanated from it, he was prepared to contend equal advantages would have resulted without the introduction of such a law, and it was upon that ground he would discuss the principle, without thinking it necessary to go into minute details. According to the testimony of Mr. Gray, one of the guardians of the Chichester union, who had been examined before the Committee, it appeared that the rates in 1832 amounted to 6,399*l.*, and in 1837, to only 2,216*l.*; and where had there been a greater reduction in any of the unions which had been established? But was the Chichester union under the regulations of the Poor-law Commissioners? Was it, in any respect, regulated by the mandates of the triumvirate of Somerset-house? It was regulated by an act which had been in existence more than eighty years. Nor was there any plurality of votes in this case; but every rate-payer went to the poll and gave one vote for the election of those persons who were to distribute the funds. That was the old English fashion, and, reformer as he was, he had lived long enough to know, that there were reforms which were not improvements, and many changes, he believed, were made most unreflectingly—in some instances, exceedingly detrimental to the interests of the people. There was no dissatisfaction in the Chichester union, either among the rate-payers or rate-receivers; everything was conducted in perfect goodwill and harmony, and they wanted not the interference of the Poor-law Commissioners or their agents in that union. But how had the reduction been effected? Was not the principle the same? Had not regulations similar to those recommended by the Commissioners been adopted and carried into effect in that union? He did not object to grant that for the sake of the argument. But if, in point of fact, such rules could be carried into effect without the intervention of the Commissioners, what did they want any more with the cumbrous machinery, the extravagant expenses, and the unconstitutional powers of the establishment at Somerset-house? More unconstitutional powers certainly never were designed, fabricated, or carried into execution; for, in point of fact, the regulations of the Commissioners had all the power of statutes passed by that House; what they said was law, their resolutions became the law of the land. Was there ever any thing of the kind in England before? There never was any thing analogous to it, and the sooner they got rid of the system the better for the security and happiness of the people. He took his stand on the Chichester union; he would not move from it; and there, without the interference of the Commissioners, without their control, without any of their agents, every benefit they could derive under the existing law had been fully and completely attained. He, for one, therefore, should vote for the repeal of the bill. Sure he was the people of England would raise their voice most indignantly against the continuance of the unconstitutional and tyrannical powers of the Commissioners beyond next year, when by law they must expire. The sensibilities of the public mind were, at length, being awakened to a full knowledge of the danger to which they would be exposed by the continuance of the present system, and therefore he was quite satisfied it could not be renewed. Why, he asked, had the unions been created of such enormous size? He firmly believed it was to cut off the people from all opportunity of making application to the board of guardians. No doubt it might be said, they could apply to the relieving-officer; but he was in all cases the paid agent, the tool, the slave of the guardians. The poor had nothing to do with him, they neither elected him nor could they dismiss him; and, if that officer gave an unfavourable report to the board, and relief were denied, how could the poor, at a distance of seven or eight miles, probably in a state of infirmity, personally communicate with the board of guardians? Some of the unions were twenty miles in length and sixteen broad; their enormous size did strike him as if it had been intended to preclude the poor altogether from applying to the board. He believed, many supported the present system on the ground that it was necessary to make the law severe to induce the people to raise their demands for such wages as would procure for them the necessary comforts of life. But in that case it should have been carried into operation with more moderation. Its severities should not have been enforced all at once. They should not have treated poverty as a crime instead of a misfortune. But they carried the law in its utmost severity to one place, while in other places they had been extremely lax. In the great manufacturing towns where the people congregated, where they consulted together, knocking their heads together in order to get knowledge out of them, there they had been extremely lax; but in the rural districts, where no combination existed, the tyrannical law was enforced, and the able-bodied labourer was refused the slightest assistance outside the walls of their dark and gloomy gaols. How different had been the treatment of the labouring poor in Nottingham and in Holbeach, Lincolnshire? In Nottingham there was a large and vigorous population; and when the law was about to be introduced last year, the Whig gentry, thinking it rather a delicate experiment at a period of great pressure, generously entered into a subscription for the purpose of easing the poor rate. The sum of 5,000*l.* was raised, in order to sustain and employ the poor, that there might be no inconvenient clamour with reference to the introduction of this Bill. In August last, the money being expended, they said, the principle of the Bill must be enforced; and was it enforced? No such thing. The able-bodied labourer was provided with work, and paid out of the rate as in olden times under the 43rd of Elizabeth. In Holbeach, Lincolnshire, the guardians had made application to the Commissioners; they had sent up a humble memorial to Somerset House, praying that in the extreme pressing severity of the season, so many being out of employment, the board might be allowed to exercise their discretion and give the able-bodied labourer and his family some relief. What was the answer of the commissioners? "You sha'nt do it." No; it was not done with regard to the agricultural labourers, who were prevented by the severe inclemency of the season, by the rigours of the climate itself, and by no fault of their own, from working. This was the answer: "Break up your establishments, sell your furniture, abandon your cottages." If such had not been the language of the commissioners, they should in common honesty have used it, for in point of fact such was the practice; for what else could these men do; he was speaking of evidence which had been given before the Poor-law Committee within the last week, and the board of guardians could only say, if they spoke truth—"Our masters in London sent us down word we cannot give you relief, you must come into our gaol or be frozen to death." He did not know whether the people had died or been admitted into the workhouse; but a more inhuman decree never issued, under such circumstances, from any body of men, or one which should more excite the honest indignation of every Englishman. He wished to know why, if the principle of this Bill were so worthy of adoption, it had been deemed so flexible that in Nottingham assistance should be given out of the poor rates to the labourers in the shape of wages, while at Holbeach it was entirely withheld? No doubt the commissioners were present, as they always were, when their misdeeds were discussed in that House, and he hoped some hon. Gentleman would take care to ascertain from them why one rule had been applied to Nottingham, and the reverse to Holbeach. There was another point to which he would just advert. In what condition were the people in reference to the Poor-law inquiry now in progress?

In order to sustain the law there was a plentiful supply of public money; there were the commissioners, their agents, the whole organisation of the Executive Government and Somerset House; while, in opposition to the Bill, there was neither money, ability, organisation, nor evidence. They had no means of getting evidence. In the Committee last Session, he had moved, that two or three individuals should go into the different unions, and ascertain, by inquiry among the people, the actual working of the law, find out who were opposed to the Bill, and send up their names to the Committee, in order that they might, if necessary, be called in evidence. But in support of that motion, fair, rational, and moderate, as it must appear, he was supported by only four of the twenty-one Members of the Committee. To enable the poor to make any case the utmost exertions had to be made by one individual Member of the Committee, Mr. Walter, last year. That gentleman had to embark his money and devote the whole of his time to the collection of the necessary evidence; but no such burden ought to have been thrown on the pocket or responsibility of any single individual. If the money of the country were employed on one side in propping up a law, the beneficial or injurious effect of which was under investigation, the public money ought to be employed also on the other. To allow the whole organization of the Government and supplies of the public money on one side of the inquiry, while every facility was withheld from the other, was a mockery and a disgrace to that House. He was glad this motion had been brought forward in its present simple form. Abuses there might be under the old law, and so there might be under the new, but unless they could be proved to spring naturally and necessarily from the system, they proved nothing at all. Without, therefore, entering into details, he attacked the bill on its general principle; all the good which had resulted from it might have been attained without the statute by milder means, in a way more satisfactory to the people, and more congenial to all their habits and feelings. He should therefore vote in favour of the repeal of the Bill.

Viscount *Howick:* I am very glad Sir, that the hon. Member for Oldham has brought this question before the House fairly and simply,—I am glad, Sir, because those representations which have been made in other places, and in a somewhat different tone, of the effects and nature of the existing law respecting the administration of relief to the poor, being this night brought forward here; an opportunity is thus given to us of meeting the assertions and statements which have been so lavishly and so unfairly made. I feel, however, some difficulty in dealing with the statements and with the speeches of the hon. Mover and Seconder; for, after having paid the utmost attention to the remarks of the hon. Members, I feel altogether at a loss to understand what is the system of Poor-law administration which the hon. Gentlemen desire to see introduced; and, further, what are the specific objections which the hon. Gentlemen have to urge against the existing law. The hon. Member for Oldham began by complaining, that by the Act passed in 1834, the rights formerly possessed by the poor had been wrested from them, and yet, very soon afterwards, the hon. Gentleman went on to assert, that there was no occasion for the introduction of the new law, because the old law was frequently exceedingly well administered; this good administration being, in fact, nothing but an enforcement of the principles of the Act which he condemns. The hon. Member for Finsbury admitted this, for he asked, what necessity was there for this law, when it was seen that all the principles on which the Commissioners proposed to act, the system which it was their duty to enforce, could be, and had been, successfully acted on without their assistance or advice; and the hon. Member cited the case of the Chichester union in proof of his assertion, thus making the proved goodness of the system an objection to the law. I wish to understand whether it be the machinery to which the hon. Gentleman objects, or the principles on which relief is administered by means of that machinery. [Mr. *Wakley:* to both.] The hon. Gentleman says "to both." But if so, the hon. Gentleman is not at liberty first to object to the machinery, that it is unnecessary, because the system of relief prescribed by the Commissioners could be and was acted upon without their assistance, and then to turn round and condemn the system. If the objection be to the system of relief, I wish to know what it is in that system to which the hon. Gentleman objects. The Act of 1834, introduced some new arrangements and some new machinery for enforcing an adherence to the ancient principles and long-recognised practice of this country, respecting the relief of the destitute; but I utterly deny that the system of relief which was sanctioned in the new Act is any departure from the good and ancient practice of this country, or from the proper administration of the Poor-law existing up to 1834. The hon. Gentleman protested loudly against the repeal of the 43rd Elizabeth, but he ought to be aware that that law, far from having been repealed, still remains in force—that the whole object of the Act of 1834 is to enforce the due and proper application of the principles established by the Act of Elizabeth. Nay, more than this, I say that under the machinery created by the Poor-law Amendment Act, there is not at this moment in existence any different system of relief from that which previously existed in every well-administered parish, particularly in the north of England. The hon. Member for Oldham indeed admitted this when he asked, why should the Commissioners put the new law in force in the north of England, when the former Poor-law has always there been so well administered. I am quite ready to agree with the hon. Gentleman that in general in the north of England such is the case, but there are also many parishes even there where great abuses have prevailed, and in parishes where this was not the case, there must always exist under the old law a strong tendency to similar abuses, and a constant danger that they may at any time break out. But as it is the system of relief which is more particularly objected to, let us compare the system of relief now prescribed with the long-recognised system of well-administered parishes under the law as it stood previous to 1834. The hon. Member for Oldham is well aware that in the town of Nottingham, to which allusion has been made, the system of administering relief to the poor has not been altered under the existing law, but that in the largest parish of that town, St. Mary's, it continues to be carried into effect in precisely the same manner and by the same individual who administered it for several years previous to 1834. In that large and populous manufacturing parish, even before 1834, the system of confining relief for the able-bodied, almost exclusively to the workhouse was in full operation. The same was the case at Sheffield, at Derby, and many others of the large manufacturing towns. Nottingham has been mentioned as a striking instance of a manufacturing town in which the Commissioners have not ventured to enforce their laws. I have heard with great surprise from an hon. Gentleman, who had been present in the Poor-law Committee, who has heard the evidence there of the Assistant Poor-law Commissioner employed in the district in question—I have heard, with great surprise and astonishment, the statement which that hon. Gentleman has made this evening. The hon. Gentleman states, that in Nottingham neither the gentry nor the Commissioners have dared to enforce the law, because they thought it would be dangerous to do so in a place where the poor could assemble together, express their grievances, and combine to concert modes of resistance to that oppression which was unhesitatingly practised upon the poor in the agricultural districts. What are the facts respecting Nottingham? In that town, up to a recent period, the relief given to the able-bodied has been almost exclusively confined to the workhouse. But, in consequence of the revulsion in trade some eighteen months ago, great and severe distress prevailed in the town. Still, for a considerable period, the system of workhouse relief was adhered to. The guardians and the Poor-law Commissioners agreed in the expediency of adhering to that system of relief as long as it could possibly be maintained. A considerable sum, the residue of a former subscription, raised at a period of distress, together with additional subscriptions, was employed in the meantime in alleviating, as far as possible, the distress which existed; but, in the application of this money, the greatest pains were taken to adhere strictly to the principles of the Poor-law Amendment Act. Relief was given only in return for labour, and the remuneration was made so low, compared with what the parties could have earned in the ordinary course of trade, that no man who could get employed elsewhere would throw himself voluntarily on this resource. This sum was, however, expended in course of time, and this fact was stated to the Commissioners, who at once said, "The workhouse being full, it is not the principle of the new Act that relief should be refused to those who are entirely destitute," and they at once gave permission to the guardians to continue the system, heretofore carried on by voluntary contributions, by money raised under a poor-rate.

But in doing this, the guardians still used the workhouse as a test, where they conceived it necessary, of the reality of the grounds which parties urged in their applications for relief. Whenever an applicant was notorious for improvidence or idle habits, relief was refused him, except in the workhouse: in cases where the distress did not seem attributable to such causes, relief was given out of doors, but still, as I have already said, in return for labour. The hon. Member for Finsbury compared the case of Nottingham with that of Holbeach, where he states that, though the distress was equally great, any relaxation of the law had been refused. The hon. Member says, out-door relief was refused at Holbeach, because, with a rural population, it was safe to do so; though in the similar case of Nottingham, the Commissioners had not refused to depart from the system of in-door relief. I am astonished that such a statement should have been made. I have shown that the ground on which the rule has been departed from at Nottingham is, that the workhouse is not large enough to receive more inmates; but at Holbeach, there being no difficulty in receiving paupers into the workhouse, application was made during severe weather of the last six weeks to relax the rule. The Commissioners, acting on what I consider to be a sound discretion, refused the application, and on this ground —that if they admitted the principle of giving relief out of the workhouse before it was necessary, the farmers and others, who were employing the labourers at no immediate profit, would at once throw them on the rates. The effect would have been this, that the good workmen, who, though there was no great service rendered by them during this weather, were employed in consideration of the services they would render hereafter — those persons would have been thrown on the rates, and must have been maintained, not by those who wanted and would be benefitted by their labour, but by the parish at large— by the smaller tradesmen and others, who ought not in justice to be called on to pay for a portion of the labour which would be required in the course of the year for the cultivation of the land in their immediate neighbourhood. The Commissioners also saw another evil which would result from their consenting to relax the rule, the effect of doing so would be to take away the motive labourers now have to lay by money in the time of harvest, and in other seasons when they earn good wages, to provide against the not very unusual occurrence of snow in January. But in adopting this course they knew that no man would be exposed to destitution; they knew that the workhouse, with food and shelter, was ready for those who might be suffering real and urgent distress. I must here notice another statement of the hon. Member for Finsbury, which must have been not a little startling to those Members of the Committee now sitting, who remember the particular part he took in the investigation of only a few days ago. The hon. Member says, that the guardians, when relief is asked for, refuse it unless the applicants get rid of their cottages, sell their little furniture, and, in short, break up their whole establishment, and go into the workhouse. Will the House believe that that statement is not only not warranted by any facts given in evidence before the Committee, but that, on the contrary, it was proved in the course of an examination in which the hon. Gentleman himself took part, that the very opposite practice prevailed. Mr. Gulson, the assistant Commissioner, in answer to many questions that were put to him in reference to this point, said that no board of guardians with which he was acquainted had in a single instance required the applicant for relief, reduced to distress by a temporary want of employment, to sell his furniture or part with his cottage before they would give relief in the workhouse. He stated that the only case in which the possession of furniture was made an objection to persons being received into the workhouse, was that of an individual who had furniture on a scale much beyond what could reasonably be required by a person in his station, and who was thrown on the community for maintenance. He had silver spoons and other articles of plate, the possession of which was considered quite inconsistent with his being maintained at the public cost in the workhouse. Such is the substance of Mr. Gulson's statement, and my argument is, that the existing system is the same in principle and in detail as that which prevailed previous to the passing of the Poor-law Amendment Act, in those districts in which the poor-laws were best administered, as at St. Mary, Nottingham, Sheffield, Derby, Cookham, and a variety of other places. The hon. Member for Oldham has adverted to the complaint so often repeated, of the separation of man and wife in the workhouses; but it is remarkable that, in the same speech in which the hon. Member urged this objection, he had referred with approbation to the system pursued previously to the passing of the new law at Oldham. I have turned to the evidence taken by the Commissioners of inquiry with respect to the administration of relief in Oldham in 1833—a parish with which the hon. Member is particularly well acquainted—and it appears from that statement (a statement which during a period of five years has not been impeached) that in the workhouse at Oldham there was a complete separation of the sexes, except in the cases of old married people, who were allowed to live together. Young married persons were always separated. The hon. Member for Oldham was, I believe, himself the overseer for that town; he therefore was a party to this separation of the sexes. [Mr. *Fielden:* I was overseer of Todmorden.] I beg pardon; I fancied the hon. Member had said that he was overseer at Oldham: but the hon. Gentleman has, at all events, professed great satisfaction with the administration of the Poor-laws in that district, before the passing of the last Act. The hon. Gentleman told us, that the object of his motion is to return to the old system of relief of the poor. If that were the case, why did he propose simply the repeal of the Act of 1834? Why did he not bring forward those monstrous cases which occurred previous to 1834, and apply to them the principle, that, "those whom God had joined no man ought to put asunder?" Why did he use these inflammatory topics to excite indignation against the present system, when they were equally applicable to the system pursued at Oldham long before the Act of 1834 was thought of? And why did he altogether abstain from a reference to the same system adopted formerly, not in Oldham alone, but in the majority of the workhouses in the manufacturing districts? In most parts of Lancashire, I believe, this system prevailed before 1834 as well as at present. The hon. Member told us, that the workhouses are prisons. Are they more prisons now than they were before the passing of the Poor-law Amendment Act? In what respect are they prisons? The real hardship of a prison consisted in this—that persons could not get out of them when they wished; while the inmates of the workhouses can leave them when they think fit. They are refused, indeed, the liberty of going in and out at their pleasure. Being maintained at the expense of the industrious portion of the community, it is thought expedient that they should have this relief subject to such restrictions as will prevent them from entering into competition with those who are entirely dependent on their labour for support, but I never heard before that it is assimilating a workhouse to a prison to refuse people relief unless they comply with the necessary regulations. Relief is tendered on certain terms, but acceptance depends on the poor themselves. In a large number of the unions in the southern parts of the country, the expenditure for the poor has been reduced, as the hon. Member admits, forty-two per cent.; but, said the hon. Gentleman, "notwithstanding this large reduction, the expenditure is still greater than it is at Oldham." No doubt of that; but what does that prove? Why, this; that so inveterate are the old habits of pauperism in the south of England, that even under the new system of 1834, it has not been possible to effect such an efficient administration of the Poor-laws as existed previously in some parts of the north. The new system has been now less than four years in operation, and is it very surprising that in so short a time it has not been able to correct all the evils which had grown up in the long course of the former maladministration? Surely, the fact brought forward by the hon. Member, instead of being an argument against the measure of 1834, is one of the strongest arguments that can be urged in its favour. I beg pardon of the House if I do not deal with the speech of the hon. Gentleman very systematically; but really, though I gave my best attention to it, I was unable to find out the thread of the hon. Member's argument, nor have I succeeded in discovering what was the point that he laboured to prove. I have endeavoured, in vain, to ascertain what the hon. Gentleman wishes to substitute for that to which he objects. Being unable to discover the connexion of the hon. Gentleman's argument—though, no doubt, it has a connexion—I am obliged to remark upon his observations one by one, without being able to show that they bear any relation each to the other. Some of the objections of the hon. Gentleman were founded, he said, on his own inquiries. It appears, that he had employed certain persons to go from house to house in Bedfordshire to inquire for grievances, and their statement was, that the allowances of aged persons had been reduced, and that the greatest distress existed. No doubt the persons employed by the hon. Gentleman made their inquiries fairly enough; but still the result can hardly be satisfactory until it has been submitted to the test of inquiry, and till an opportunity has been given of ascertaining what answer can be given to their statements. I cannot help thinking, therefore, it would have been fairer, if the proofs of the injurious effects of the new Act had been brought from parts of the country the state of which has been the subject of public inquiry before the Committee appointed to inquire into the operation of the law. The late hon. Member for Berkshire (Mr. Walter), the coadjutor of the hon. Member for Oldham, on this question, caused an investigation to be instituted with respect to those places which, in his judgment, afforded the most striking examples of the evils of the present system. And what was the result? The state of those unions was particularly examined into, and my impression is, that the evidence in those cases so selected by Mr. Walter himself went clearly to prove this, that whatever might be the condition of the able-bodied labourer, at all events the old, the sick, and the infirm, have larger allowances, are more indulged, and are, in all respects, better off under the new system than under the old. I am sure, that the hon. Member for Oldham will not say, that this was not proved by the evidence of last year. I cannot consider it, therefore, a satisfactory way of attacking the Act to make these sort of *ex parte* statements of particular grievances brought up from parts of the country into which no inquiry has yet been made. Even if the facts be true, the Seconder of this motion has fairly admitted, the Act is not to be condemned on account of the existence of a few cases of abuse. The hon. Member for Finsbury has justly observed, that unless the opponents of the measure can show that it be the tendency of the Act to produce these evils—unless it be proved that they grow naturally out of the Act—nothing would be established against the system. Under the new, as well as under the old system, some cases of hardship or neglect may, no doubt, be found to exist. The utmost vigilance, on the part of the authorities, cannot prevent some such cases arising: but it remains to be decided, whether, under the new or under the old system, those cases are of more frequent occurrence? The hon. Member for Oldham said, that no petitions have been signed by the agricultural labourers in favour of the continuance of the Act; that the only petitions of this kind which have been presented, are from those interested in the reduction of rates. I am not able to say how that fact may be; there are no documents before the House to show, whether the petitions which had been presented are signed by agricultural labourers or not; but I must remark, that it is unusual for persons, suffering no grievance, and who do not require any change to be made for their benefit, to take the trouble of petitioning the House. [Mr. *Fielden:* Petitions were sent against the law from the agricultural districts.] The hon. Gentleman says, there are petitions against the Act. No doubt there are. Those who had to complain have petitioned; but those who had not to complain, and who saw that there existed no disposition on the part of the Legislature to make a change, have had no motive, no temptation whatever to address the House; and I am prepared to expect that no petitions, or that very few, have been presented, signed by agricultural labourers, in favour of the Act. But I wish to ask the hon. Gentleman, is he prepared to show, that in those parts where this Act has come into the most decided operation, there exists on the part of the agricultural labourers any discontent or dissatisfaction? [Mr. *Fielden:* "Very great?"] The hon. Gentleman says, "very great." What are the symptoms of it? Even during the past year, which was one of almost unexampled pressure, what proof was there in the agricultural districts of a general and wide-spreading discontent? Does the hon. Member find anything approaching to the state of things that existed in the year 1830? The country had then the full benefit of that law which the hon. Gentleman wishes to restore; they were in the full enjoyment then of all the blessings of that system of poor relief, which it was the desire of the hon. Gentleman to bring back to them. In that year, what was the condition of the country? Has the House forgotten the frightfully alarming state of things in the winter of 1830, when a large portion of the people were in open insurrection, approaching almost to the capital itself—when outrages of the worst description were committed in the most daring manner all over the south and west of England—when nightly fires were blazing, and almost universal alarm for the safety of their property had seized the agricultural inhabitants of the country? The present state of things was happily very different from that, and in my opinion the change is mainly to be attributed to the very Act which the hon. Gentleman laments. I am confident, that the present improved condition of the south of England is in a great measure attributable to the Act passed in 1834 for the amendment of the Poor-laws. The House will see the importance of fully considering what was the state of the country at the former period to which I have adverted, because, with that before him, the hon. Gentleman says he is ready to repeal the Act of 1834, and has even distinctly recommended a return to that practice which, under the former law, was the chief cause of all the mischief which prevailed. The hon. Member has advised us to return to the allowance system, since he said if the labourers could not obtain wages sufficient for their comfortable support, it was the duty of the country by means of forced rates to come to their aid. And, as example is better than precept, the hon. Gentleman has further told us what was his practice when he was overseer at Todmorden; he informed us that as the hand-loom weavers could not earn enough to maintain themselves in a proper manner he supplied the deficiency out of the poor-rates, and assisted them with money for the purchase of materials and implements for carrying on their trade. Such was the hon. Gentleman's practice, and such would again be the practice if the new law were repealed. In my opinion (I must observe in passing) that statement affords the strongest ground for saying that the introduction of this measure into Lancashire, as well as into other parts of the country, will not be altogether useless. But as the question is whether we shall return to the system existing previous to 1834, I must call on the House to see how the system which then prevailed affected the labourers themselves, and how they have been affected by the operation of the new Act. I will not go into any length of detail, but I beg to call the attention of the House to some of the facts which appear as the result of that inquiry which formed the ground of the present law. It was almost the universal practice in the south of England, prior to 1834, for the labourers to receive low wages and at the same time some allowance from the parishes; in fact, the able-bodied labourers were, in one shape or other, in part maintained out of the rates. What were the consequences of this system? In the first place the effect was this—that no labourer received remuneration proportioned to the nature of his labour. The only consideration of the employers was, not who of the labourers was the most able and could be most useful to them, but who was the man, who, if not maintained by earning wages, would be the greatest burden on the parish. The fact was, that every man who it was thought could maintain himself without being employed was refused altogether the opportunity of earning wages. The evidence, as collected by the assistant commissioners in 1832 and 1833, distinctly proves that in many cases the moment a labourer had by any circumstances come into the possession of a small sum of money, he was refused employment till that money was expended. One instance of this kind occurred in the parish of Royston, in which a person who had sprung from humble life had accumulated a considerable amount of personal property, which he bequeathed to a number of labourers, his relations. When they received their money the parochial authorities said, "That will be a great advantage to us—it will relieve our poor-rates." The consequence was, that those individuals who were perhaps anxious to go on earning money, that they might make a provision for their old age, or in case of any infirmity that might attack them, were thrown into compulsory and involuntary idleness. They were left to spend their money as soon as they could at the beer-shops or in any way they pleased; but they were virtually prohibited from laying it by, from depositing it in savings' banks, or from employing it in any other profitable manner, and from maintaining themselves by their honest labour. A case occurred in a neighbouring parish to Royston of a person being compelled by the parochial authorities to take two paupers into his employment which forced him to discharge from his service two excellent labourers, and I will read to the House from the published evidence the account of what followed, given by Mr. Nash, of Royston. "Of the men dismissed one was John Walford, a parishioner of Barley, a steady, industrious, trustworthy, single man, who, by a long and rigid economy, had saved about 100*l*. On being dismissed, Walford applied in vain to the farmers of Barley for employment. 'It was well known that he had saved money, and could not come on the parish, although any one of them would willingly have taken him had it been otherwise.' After living a few months without being able to get any work, he bought a cart and two horses, and has ever since obtained a precarious subsistence by carrying corn to London for one of the Cambridge merchants; but just now the current of corn is northward, and he has nothing to do; and at any time he would gladly have exchanged his employment for that of day labour if he could have obtained work. No reflection is intended on the overseers of Barley; they only do what all others are expected to do; though the young men point at Walford and call him a fool for not spending his money at the public-house, as they do; adding, that then he would get work." I could multiply instances of this kind, and show, that labourers were refused employment because they had been frugal and industrious enough to possess themselves of a cottage decently furnished, or of one or two cows. Such was the former system; and the hon. Gentleman complains of the existing law, charging against it, that it makes no distinction between "the honest man and the greatest vagabond in England." I totally deny the truth of the assertion; I say it does make a distinction, for it secures to the honest man the legitimate reward of honesty and industry, and it leaves to the dishonest or "the vagabond" to suffer those penalties which the laws of society have provided for his misconduct. The system which the hon. Gentleman would restore in one sense certainly made a distinction also. The industrious man it punished for his honesty and industry, and the "greatest vagabond," to use the hon. Gentleman's expression, was the one who received the greatest indulgence and the greatest favour. It condemned the industrious to idleness, and gave employment and wages to the worthless; care and providence were as much discouraged as industry, and extravagance and laziness were the necessary consequences. The poor were actually driven into immorality, and reduced to the lowest state of degradation. In some parishes in the southern districts, more than half the men of the labouring population were employed in useless labour, such as digging holes and filling them up again, carrying stones away and bringing them back to the place whence they had been taken. That was the mode of employment under the system which the hon. Gentleman would restore. But that was not all. In the Report of the Poor-law Commissioners there are to be found extracts from the books of various parishes, and amongst others, of Hampton, from which it appears, that labourers were in some cases paid, not for labour, but for standing in the common pound doing nothing. I find one charge, and there are others of the same sort, for men and boys standing in the pound for six days, 6*l.* 7*s.* Again, I ask, is such the system which the "friends of the poor" wish to re-establish? There was another and a still more revolting practice resulting from that system. It was by no means unusual in those days to put the labouring poor up to auction among the farmers. The labour of honest Englishmen, guilty of no crime but that of being poor, was put up for sale, without their consent, by public auction! The system was this: the parish said, "such and such a family require 8*s.*, 9*s.*, or 10*s.* per week for their support." Having arbitrarily fixed the sum which they deemed necessary, the next step was to hold a regular auction, at which the farmers attended and became bidders for the labour of the pauper—one said "I will give 2*s.* 6*d.* another 3*s.* another 4*s.*" and ultimately the labour of the man was knocked down to the highest bidder. Suppose that one of them said he would give 5*s.*, the services of the pauper were immediately assigned to him without any assent on the part of the individual, without any option on the part of the labourer; the services of the unfortunate man were at once assigned to the purchaser, who paid his 5*s.* a-week, and the parish made up the remaining 4*s.* or 5*s.* to complete the sum deemed necessary for the support of the labourer and his family. What were the inducements to this man to work? The only inducement was this, and it was certainly of a very negative kind, he knew that if he were idle beyond a certain point, he would be taken before a magistrate and committed to the tread-mill. He might be the most industrious man, the best workman that ever went into a field, but under this system he derived no benefit either from his skill or his industry. Hope was absolutely denied to him; he laboured under compulsion, and compulsion alone. The system was precisely and identically the same as that which, by the law for the abolition of slavery, which was passed in 1833, was applied to the black population in the slave colonies. The whole of the labouring population in those districts of England to which he had referred, were virtually degraded to the state of white slaves—to the same state of mitigated slavery as that which now existed under the law of 1833 in the West Indies, and which would continue in operation for about two years more. The system was precisely the same. The man had no inducement to labour but the compulsion of terror: he dreaded the punishment imposed upon idleness; but the hope of reward from the active and industrious application of his labour was wholly withheld from him. All power of raising himself in life was denied to him; his only prospect in the world was to drag on from infancy to old age this degrading and wretched existence. In this respect the situation of the English labourer, under the old law, was worse than that of the negro apprentice in the West Indies at the present moment, because the negro apprentice could at least look forward, at the expiration of a short space of time, to the complete termination of his bondage. Not so the English labourer prior to 1834. Up to that time the system in England was getting worse and worse. Partial efforts, it is true, were made in particular places to break through that harsh, that abominable, that atrocious system; but those efforts were extremely rare, and too often were wholly ineffectual. So that the poison—the gangrene (if I may use such an expression) was gradually but surely making progress; year after year its baneful and destructive influence was extending, and those districts in which it had once taken root seldom or never again escaped the evils of the infection. I ask the House, then, is it again prepared to revert to these evils? I admit, that the measure proposed in 1834 was a very strong measure. I admit, that the cure applied to the disease was of a character correspondent to the intensity and malignity of the distemper. But is the House prepared, upon the motion of the hon. Member for Oldham, to repeal the measure adopted in 1834, and to return to the system under which these mischiefs existed? True it was, perfectly true, as the hon. Member for Oldham had stated, and as the hon. Member for Finsbury had repeated, that, under the former law, the means of an improved administration did exist. But there was no security that those means would be employed. Will the House, then, perpetrate such a cruelty to the poor man—will it commit the injustice to the whole labouring population of the country of again bringing into force a system which, whatever its advantages might theoretically be, every one knew was fraught, in its practical working, with the most distressing and most dreadful consequences to the poor, and to society at large? As to the able-bodied poor, then, I contend that the change in the law, notwithstanding its apparent harshness, has been in reality an inestimable advantage; the refusal of the lavish relief formerly given has raised the condition of the whole class throughout the southern part of the kingdom. With respect to the really distressed, to the sick, to the aged, to the impotent, to those who had not the power of earning their own subsistence, the case is still clearer. To them the system established under the Poor-law Amendment Act has not had even the appearance of harshness, but on the contrary, has been the greatest of all possible blessings. They are not now left to the mercy of irresponsible and despotic overseers, with no redress but an uncertain appeal to the justices. There is now in every district a body of men representing the interests of that district, to which is committed the duty of deciding upon all applications for relief. There are paid officers appointed by this body, and above these officers there are the Commissioners and Assistant Commissioners, prompt to punish all cases of neglect of the really suffering and destitute poor. It is known that these powers have been usefully exerted; it is known that whenever a case of neglect or ill-usage of the sick or destitute has been brought before the Commissioners, it has been promptly inquired into and redress afforded, if not otherwise, at all events by the punishment of the guilty overseer. Did such a state of things exist under the old law? Does not every Member of the House remember how often under the old law they used to hear of the sick and dying pauper being buffeted from parish to parish, from district to district, each endeavouring to avoid the burden of maintaining him in the hour of sickness and utter destitution. The disputes about settlement led continually to scenes of this description. Paupers almost in the agonies of death were removed under the orders of magistrates from one district to another, carried in carts by overseers, and bandied about from workhouse to workhouse, until (as not unfrequently happened) death relieved them from their sufferings before a shelter was found for their reduced and emaciated frames. Does not the House remember how women in the very agonies of childbirth were still more frequently exposed to this disgraceful and inhuman system? Every one knows that, under the old laws, women in that condition, and paupers in the last stage of sickness were exposed to the greatest cruelty and the most dreadful oppression. To all that oppression, all that cruelty, an end has been put by the operation of the new law. In every case where relief is necessary, relief is now promptly and effectually afforded. The sick, the dying, the impotent, destitute women, and helpless children, all these classes obtain relief, more certainly and more effectually than they did under the old system. With respect to the able-bodied, relief undoubtedly is not now lavished upon them as it was formerly, they do not now receive indiscriminately large allowances from the parish; but, in return for that deprivation, the really honest and industrious are now enabled, without being indebted to any man, by their own honest industry, to maintain themselves in comfort, and frequently, by their active exertions, to raise themselves to a station in life far superior to that in which they were brought up. These are the consequences of the law which the hon. Member for Oldham proposes to repeal. I trust, therefore, that the House, by the decided majority by which it will negative the hon. Member's proposition, will show its approbation of the measure, and its real regard for the poor and industrious classes.

Mr. *Liddell* confessed, that he had not seen the introduction of the Poor-law Amendment Act into the northern part of England regarded with any particular marks of satisfaction, because it so happened that the evils of which the noble Lord had complained as having existed under the old system had not existed there; for while the people in that part of the country considered themselves able to support their poor, they were not prepared without sufficient grounds, to admit so great a change as that which had been effected by the new law. But although it was true that he did not regard the new law with any particular affection, he felt bound to declare that he could not support the motion of the hon. Member for Oldham. He had the honour to be a member of the committee which had been appointed to inquire into the operation of the new law, which Committee had indicated every wish to go fairly and impartially into the consideration of the whole state of the law as it now existed, and had manifested no disposition to exclude any evidence which could be adduced by any member belonging to it, or in any degree tend to satisfy the country, or open the ears of the Members of that House to any just complaint that might be urged against the new law. He must, therefore, decline to support the motion of the hon. Gentleman. But after the speech of the noble Lord, though he was not prepared to follow him through all its details, yet there were some points on which he wished to offer a few observations. He had heard, with some surprise, the noble Lord arguing, as it appeared to him, that after all no very great change had been introduced into this empire by reason of the new law. The noble Lord had argued, that several districts of this kingdom were practically under similar arrangements and regulations now to those by which they were governed under the old system. It might be true with regard to some particular cases. But he would ask whether the general and universal practice of the kingdom was not that each parish should manage its own affairs under its own officers, and take care of its own poor? It was undeniable that a great change had been effected under the regulations of the new law; but he must admit that portions of it had excited in the feelings of the country, in many parts, sentiments of considerable satisfaction. But to come to the plain and simple fact, one great hardship on which the opponents of the new law dwelt was simply this: a man, without any fault of his own, might be reduced, for a time, to want relief, but however well-conducted he might have been, however respectable in character, or illustrious in talent, in his past life, he would be neglected, and no relief would be afforded to him unless he was sick, or infirm, or aged. Such a person would be met by a stern refusal of relief out of the workhouse. This regulation in many cases, had been severely felt, and, speaking as one not anxious to throw any unjust imputation on the new law, and desirous to see that law, as it was intended, a benefit to the country, he earnestly hoped that the strings of restriction might not be drawn too tight, but that inquiry might be made, and upon the information derived from that investigation, instead of going back to the old law, these restrictions of the new law might not be pulled too tight, and that, in cases where a man was proved to be in need and deserving of support, he might receive it under his own roof, and not be subjected to separation from his wife and family in a new Poor-law workhouse. That was a tangible complaint against the law, and one of the main grievances which was loudly spoken of by the opponents of the bill; indeed, it had been admitted by Mr. Gulson, in the report of the Poor-law Commissioners. The moment a man sought for parochial relief, though he might be out of employment, and have become distressed from causes over which he could have no control, it seemed to be assumed that he came to the board of guardians of his parish only to impose upon them: for the workhouse was proposed as the test of his destitution and sincerity. He must say, that, in his limited experience, he had not thus understood the people of England. In that part of the country to which he belonged, every man who was able to work was also anxious to obtain work. They were influenced by that good old English feeling which led them to strive to the utmost, and to make any sacrifice, even of life almost, rather than ask parochial relief. He did believe that in many other parts of England the feelings of the people were not so debased as to lead them to seize every opportunity of imposing on the guardians for the sake of getting a miserable pittance. Those who would take the trouble to inquire would find that in almost every case want, and want only, led such persons as those whom he had mentioned to apply for relief, and he trusted that their feelings would not be outraged, and charity poisoned at its source, by their being pointed to the workhouse as the only medium through which assistance was to be obtained. The noble Lord had referred to the abuses under the old law, with respect to imposition and the manner in which the labour of the pauper was disposed of by auction. Admitting this to have been the case in the southern and midland counties, he must say that he would rather have his labour sold by auction, than have the workhouse allowance pointed to him as the only means by which he could receive relief, being an able-bodied labourer; for bad as the first evil was, he considered the latter to be one of much greater magnitude. It was also said, that this workhouse principle of relief would induce a desire to work and get good wages, and also a habit of saving something against the day of distress among those who were fortunate enough to obtain work and good wages, and thus a spirit of economy would be infused into the labouring population, and tend to their great improvement. He trusted that this idea would be realised. A very ingenious pamphlet had been put into the hands of the Members of that House, showing that from the rate of wages in many parts of the country it was possible for labourers to lay up savings, while it was impossible in others. But while he admitted the possibility of the labouring classes being able to save something, and would most earnestly impress on them the advantage of cultivating habits of frugality and economy, in order that they might be in some measure prepared for the day of distress, he would remind the House that mankind were not in a state of perfection, and that there were feelings and habits among the lower orders which it was difficult to restrain; and that if they did not lay up all they might save, to guard against unforeseen distress, the House should consider how many persons there were in the higher ranks of life whose education, intelligence, and means, might warrant the expectation of better things, but who did not know how to keep their expenditure within their income. If such, then, was the case, they ought to look with some degree of tenderness on the conduct of the humbler classes in this respect, though they did spend a little more than was prudent in present gratification instead of laying up their savings for a time of need. He trusted that when the Committee had concluded their labours the House would be in a condition to entertain the question of the alteration of this law; for he believed that some alterations and modifications were necessary to make it agreeable and acceptable to the public, and useful and advantageous to the labouring portion of the community. He thought the time had not yet arrived for that. It was the duty of the Committee to take all the evidence that could tend to elucidate the practice of the law, and when the Committee had concluded its labours, the House would be better able to determine on what alterations were necessary; and when they came to that he should be prepared to propose and assist the completion of certain alterations which he had in his mind, but which it was not necessary for him at present to state.

Mr. *Clay* should not have troubled the House on the present occasion, although he was opposed to the motion, if it had not been that in connexion with this subject there had been publicly attributed to him certain sentiments which he had never uttered, and opinions that he had never entertained. He alluded to what had taken place recently at a meeting held in his own district with reference to the distressed Spitalfields weavers. He begged now to disclaim the sentiments then publicly attributed to him, and to declare most solemnly and emphatically (and he trusted that declaration might reach the ears of those in whose presence the statement was made) that if there was any feeling in reference to legislation—if there was any object to which he was willing to devote every energy both of body and mind, that feeling and that object was to raise the moral and physical condition of the humbler classes of his fellow-countrymen. He believed those sentiments animated the majority of the House, and that though hon. Members might differ as to the best mode of effecting that object, yet all desired to attain it, and he must take this occasion to say, that he left the responsibility of such a contrary course upon the heads of those who, within and without the walls of the House, endeavoured to convince the people that the state and condition of the humbler classes was not at all times of deep and vital interest to Members on both sides of this House. In common with the noble Lord below him (Lord Howick), he was bound to express his admiration of the honesty of purpose which had induced the hon. Member for Oldham to bring this question distinctly forward for the decision of the House. The hon. Member had evidently no second purpose, and he (Mr. Clay) was delighted, that after all the violent language which had been used out of doors by individuals and by some portions of the public press, actuated no doubt by conscientious views, but who had laboured to influence the opinions of the people of England on the subject of the new Poor-laws—he was delighted that the question had been so calmly brought to the test of a decision of the newly assembled Parliament, and that it might thus be ascertained what proportion of the representatives were to be prepared to say, that the New Poor-law should be repealed. But to the motion which had been brought forward by the hon. Member for Oldham, he was most decidedly opposed. No motion less worthy to be entertained by the House could possibly be propounded. He had been an earnest and consistent supporter of the Poor-law Bill in its passage through the House, and there was no one circumstance, in his whole Parliamentary career, upon which he looked with more unmingled satisfaction. He conceived there never had been a legislative measure grounded on clearer or more overwhelming evidence of the necessity of such a measure—on evidence more carefully sifted, than had the Poor-law Amendment Act. It was with a view to the benefit of the humbler classes that he and the majority of the House had supported that measure. The supporters of the bill had believed, that there was no other remedy for that process of demoralization which had begun to an extent which threatened to bring the labouring classes into that abyss of moral and physical degradation from which it would, in a few years longer, have been impossible to redeem them. The anticipations under which that bill had been passed, he maintained, had not been disappointed—nay, he would assert that those anticipations had been more than fulfilled, and it was to him matter of surprise that hon. Gentlemen could, after the overwhelming evidence of the beneficial effects of the New Poor-law, hold such language as had been adopted in the House to-night, and out of it, on other occasions. Had those hon. Gentlemen read the evidence given before the Agricultural Committee two Sessions back?—was there any one point on which the evidence was more convincing than that which went to show the beneficial effects of the New Poor-law? Agriculturists, merchants, farmers, indeed all who had been examined, had concurred in hat opinion. That Committee had heard from all the witnesses that the result of the New Poor-law had been the reduction of rates, the prevention of peculation, and jobbing, and the substitution for an irresponsible administration of a responsible direction, conducted by a body elected by the ratepayers themselves. It had been said, both by the hon. Member for Finsbury and the hon. Member for Oldham, that the old Poor-laws were well administered. Now, what had been the object of the New Poor-law Bill but to apply to all the parishes of England, those very salutary regulations which had been found to be necessary, even in those well-administered districts to which those hon. Gentlemen had alluded? But the results of the New Poor-law Bill were not confined merely to those which he had stated, but there had been also an improved condition in the labouring classes. The strongest evidence had been afforded, that good conduct, industry, and merit, had met their appropriate rewards—the clearest proof had been afforded that sound and wholesome relations between the employer and labourer, which previously had been so rare as almost to become matter of history, were now under the New Poor-laws rising up again. There was also reason to believe, that the condition of the labouring classes had not only morally but physically improved, and that they had now a larger amount of money in the shape of wages than formerly came into their possession in the degrading shape of parish allowance. There was proof that friendly societies, which had been on the decline previous to the passing of the bill, had, since the bill had been brought into effect, increased both in the number of their contributors and the amount of the contributions, and this fact had been particularly shown to exist in the counties of Kent and of Sussex. Another test of the beneficial effects of the New Poor-law was afforded by the saving-banks deposits, which in 1837 had increased 900,000*l.* upon previous years, and that increase consisted of the contributions of small contributors. Again, it had been shown, that while the purchase of the necessaries of life had increased, the expenditure in beer-shops and other places of a similar character had decreased. With regard to the diet he could only say, that in one union in the country with which he was acquainted, the increase of the allowance of wine to the old and infirm in the workhouses had been greater than it was under the old system. The hon. Member for Durham (Mr. Liddell) had said, he desired greater powers to be given to the boards of guardians, and that relief should not be confined to the workhouses. Now, he was not aware of any case of emergency having been refused, but whilst he believed that the test of the workhouse should be strictly attended to, yet he thought there were cases in which that test might properly be departed from, and he believed that in no case had that departure been negatived by the Commissioners in London. However, a full and ample inquiry was now going on, and he thought the proposition of the hon. Member for Oldham would rather operate against those very classes whose interests he was most anxious to protect and preserve.

Mr. *Darby* could not give a silent vote on this occasion, in consequence of what the noble Lord at the head of the Home Department had said at the commencement of the Session, when he (Mr. Darby) had said, that unless there was some relaxation in the system of relief under the new law, he (Mr. Darby) should be compelled to introduce some amendment. Now, the noble Lord opposite (Lord Howick) had said, that in the agricultural districts, there had been no relaxation of the system; if that had not been the case, he confessed himself to be guilty of neglecting to do that which he had promised to do. He (Mr. Darby) was prepared to show, that there had been a relaxation in the country districts. He did not complain of it, on the contrary, he thought that the Commissioners had used, in that respect, a wise discretion; but he did not think it right, that the noble Lord, the Secretary at War, should keep the fact from the public that such a relaxation had taken place. He had received a letter from the chairman of the board of guardians for the union of Hailsham, in the county of Sussex, stating that without some relaxation of the system it would be impossible to go on. To that letter, the Poor-law Commissioners had answered, that they had under their consideration the letter of the board of guardians, and that they regretted to learn, that owing to the severity of the weather men had been thrown out of work, and that their families were thereby reduced to a state of destitution. The letter went on to say, that the Commissioners considered with reference to those circumstances and the state of the workhouse, that out-door relief might be temporarily afforded. This relaxation had been the reason why he had not brought the subject forward, coupled with the circumstance that the Poor-law Committee had not brought their labours to a close. The Commissioners had, he admitted, allowed that letter to be communicated to other districts in East Sussex, and that course with that permission had been followed. He believed the difficulty of the new law had not arisen from the statute the 43rd of Elizabeth, but from the neglect of that statute. He admitted, that it would be difficult to return to that system, but it was strange that the order of the Commissioners of the 28th of July wholly repealed that law, and instead of task-work gave the labourer only the shelter of the workhouse. Now, this part of the new law pressed hard upon the man who, though willing, was unable, to maintain himself and his wife and children, and was obliged to enter his family and himself into the workhouse, or otherwise no relief would be afforded him. It was too much for the noble Lord opposite (Lord Howick) to say, that a workman so situated need not part with his cottage or his furniture; but he begged to know how, when he was deprived of the means of earning something, in consequence of his confinement in a workhouse, such a man was to pay his rent? He would not return to the allowance system, but he thought it was worthy, at least, of consideration, whether some means could not be devised to aid a man who, by being three months out of the twelve in want of employment, might fall into distress, without sending him and his family into a workhouse. He thought that the Commissioners had, by their order of the 28th of July last, drawn the string too tight, and he only hoped it would not break. He had one curious passage of three lines from Blackstone, which had anticipated these difficulties. That passage, after speaking of the 43rd of Elizabeth, said, "that the excellent scheme of employing the able-bodied labourers having been departed from, we cannot but observe what a miserable shift and low expedient it was for them to attempt to patch the flaws thereby occasioned." One of these flaws was the putting up of labourers to auction, and that was illegal even under the old law. But the question for the House to decide was, whether they would get rid of the present law or not, and if they did, what was the substitute which they would propose in its place. He would ask hon. Members, if the House repealed this law to-morrow, in what situation the country would be placed? The noble Lord, the Secretary at War, had been pleased to express himself in terms not the most complimentary as to the capacity of some parties who were opposed to the bill tounderstand its provisions. It was possible that he might not be able to take so correct a theoretical view of the measure as the noble Lord, but he had been overseer, he had been a member of the Quarter Sessions, and he had had some opportunity of seeing how it practically worked. He must say, that he considered a board of guardians much better calculated for carrying out the act of 43rd Elizabeth than an overseer. Give him an overseer of great foresight and firmness, and he would carry the provisions of that act into effect; but if a small farmer were made overseer, and were neither a man of abilities nor firmness, he would soon tell those who asked him that he could not carry it into effect. If the hon. Member for Oldham would bring forward some modification of the present law, he promised to give him his support, provided that modification was such as he could approve. It had been said, that wages had advanced since the New Poor-law Act had passed, and that in the south of England they had been as low as 6*s.* a-week before that measure came into operation. Now, he could only say, that as far as his recollection went, wages had never been lower than from 10*s.* to 12*s.* a-week, and he knew that there had been no increase of wages since the Poor-law Act came into operation. Again, it had been said, that the New Poor-law would raise the wages of the labourers by giving increased employment for their children. But the real question was, if there were so many poor children of the labourers employed as would compensate for the allowance which was formerly given to each labourer under the old system, and which was now taken away. So far as his experience went, this was not the case. He would, however, not detain the House by any lengthened observations on the details of the measure, but anxious as he was, and determined as he was, to give any practicable amendment to the measure his support, he, at the same time, trusted that the hon. Member for Oldham would withdraw his motion. Some hon. Members might think that the hon. Member for Oldham ought not to withdraw his motion, but he should like to see some Member who understood the practical working of the system stand up and say, whether he could find a substitute for the present Poor-law, and tell the House in what a situation the country would be placed if this act were repealed.

Mr. *Hodges* said, that he was one of

those who opposed the passing of the new law, and nothing had since passed which had induced him to be of opinion that he had then formed any erroneous views of the measure. But opposing a bill was one thing; the measure was now law, and although he admitted, and not only admitted but declared, that there was a great amount of distress and difficulty arising out of the new law, yet he could not support the motion of the hon. Member for Oldham, because he did entertain a hope that there would be some relaxation in the provisions of that law. He also looked with more hope to the present Poor-law Committee than to the last, and he saw in that Committee a disposition to inquire most thoroughly into the operation of the measure. There was an observation or two, however, of the noble Lord, the Secretary at War, which had excited in his mind some surprise. The noble Lord had, as it seemed to him, uttered an imprudent challenge to the hon. Member for Oldham, to produce evidence of the dissatisfaction of the labourers with the present Poor-law. The noble Lord said that we had no such scenes now as took place in 1830; but surely that was not the only evidence of their discontent. The way to prevent the repetition of such scenes was to grant to the Committee which was now sitting on this Bill every facility for inquiring into the condition of the persons affected by that measure. The noble Lord had also stated that under the old law a system had prevailed of employing men by sitting them up to auction. He could assure his noble Friend, that something very like that took place at present. He would observe too that under the present system a great deal more was paid for the poor than was levied by rates. In many parishes subscriptions were raised for soup, clothes, and money for the poor; in short, making an addition to the rates, which caused the benevolent portion of the inhabitants to come down with very much larger sums than they paid under the old system. In the meanwhile the niggardly and the hard-hearted refused to bear their share of the burden, which fell with double weight upon the others. Feeling, however, the same repugnance to the Bill which he had entertained against it when it was first brought forward, he yet doubted whether it would be the wisest course now to repeal the Act, as next year the result of the inquiries of the Committee would be before the House, and they could then come to the consideration of the question with much greater advantage than at present.

Mr. *Harvey* remarked, that if, on the one hand, there were many hon. Members who, like himself, felt it impossible, at the present stage of the inquiry, to give the motion of the hon. Member for Oldham their instant assent, so, on the other hand, he thought that it would be obvious that it was still more difficult to give the motion a positive negative, more especially after the speech of the noble Lord. The noble Lord had given small or rather no encouragement to the House or to the country to hope that the Government would, in the slightest degree, relax in their attachment to this Bill.—Over and over again the Government asserted that they would pin their fame in future times upon this measure, and that, however fruitful in errors and strong in weakness all their other policy might have been, they would yet be prepared to cast to the winds every other pretension, so that they might be recognised by posterity as the authors of the Poor-law Amendment Act. If that was the sentiment with which this measure was regarded by the Cabinet, he admired the courage with which the noble Lord avowed and adhered to it; but when the House heard from the noble Lord who was now taking so active a part in the Poor-law Committee, a speech, in many parts able, and ingenious throughout, he did not know what the House in its hopes, or the country in its fears, ought to expect. While, however, he thought that this motion should not be met by a direct negative, he participated in the difficulty felt by other hon. Members as to giving it unqualified support. He could not, for one, exclude from his recollection the fact, that he had voted for the Poor-law Amendment Act, and he did so from a feeling which would still induce him to countenance many of its provisions—namely, that it gave protection to the fruits of industry, and acted as a discouragement to those who preferred idleness to honest labour. It was the same principle which had led him to oppose the claims of the state paupers, and of all those who, being able to find work, were too lazy to do it. With these impressions strong in his mind, he was not prepared to vote for the instant and unqualified repeal of the law, still less would he be entrapped into an unqualified recognition of its principle. He should therefore move the previous question. He should, however, venture one or two observations on the debate. It struck him as a singular sentiment coming from a Cabinet Minister, that the best evidence of the content of the country with the measure was to be found in the absence of extraordinary violence and intimidating rebellion. The noble Lord called the attention of the House to the state of the country in 1830; to the exasperated peasantry, at that period congregating in frightful thousands, and menacing the Government with violence; and because they found that the people were now taking a sober view of their rights, and, relying on the kindness and consideration of a reformed Parliament, were loading their table with petitions, signed by multitudes, they were asked to infer that no real difficulty, no discontent was to be found in the working of this measure. Strange presumption, bespeaking total ignorance of the feelings of the people. The noble Lord had also endeavoured to establish a principle which was entirely at variance with the experience of every individual, and also with the testimony given on the subject before the Poor-law Committee—namely, that the working classes were in an improved condition. Now, he would appeal to every Gentleman in the House who was connected with the industrious classes, either in manufactures or in agriculture, to stand up in his place and say, whether he believed that they were receiving wages equal to those which they obtained anterior to the period when this Bill passed. Nothing could be more at variance with the evidence given before the Committee. It was established by hosts of witnesses, farmers, and workmen, that before the bill came into operation, persons who were receiving eight or nine shillings a-week at wages, at the same time received from the parish money or meal, according to the number of their families, to the amount of from five to ten shillings a-week, and that since the passing of that law an able-bodied man was not receiving more than eight or ten shillings a-week wages, while he was entirely excluded from all parochial aid. Could the noble Lord conceive it possible, after 2,000,000*l.* or 3,000,000*l.* had been abstracted from the funds formerly applied to the support of the poor, that this diminution could have no material influence on their comforts and condition? But then they were told that at the end of the next Session this Act would expire, when it would be the province of the Government to introduce a new measure. But when that time arrived, in what way was the House to proceed? Were they to legislate on the opinions of private individuals, or were they to be governed by evidence collected from all parts of the country, disinterestedly and diligently collected? As far as regarded the evidence given before the last Poor-law Committee, it was not entitled to the least consideration; and although he was not able to deny, not having acted upon it, that an improved spirit prevailed in the present Committee, yet when he called to mind that there had been already laid on the table of the House six successive reports from that Committee, and that those reports embraced the evidence of one man—and that man a Poor-law Commissioner. He would venture to ask, of what avail could be such testimony? We had had enough, and to spare, of this class of evidence. What the country wanted was, that an inquiry should be made among those persons who could alone tell the real effect of the measure. A Committee had sat to inquire into the condition of the hand-loom weavers, and volumes of its reports had been presented, which it would require the strength of a more than ordinary pauper to wield—and now a commission was going forth to make another inquiry. Why not adopt the same course, and empower the Commissioners of inquiry into the state of the hand-loom weavers to inquire into the working of the Poor-law Amendment Act? Or, if it was thought that this would be too largely extending their labours, why not appoint a commission on purpose? If the commissioners visited the counties of Norfolk, Suffolk, and Essex, they would be witnesses of harrowing scenes of misery, which would afford a complete answer to the delineations of content and happiness produced by the measure, in which the noble Lord had so largely indulged. The evidence of the Poor-law Commissioner, Gulson, referred to the working of the system in the town of Nottingham. Now, the real evils of the Bill were not to be traced in large towns. The circumstance of 60,000 or 80,000 persons being brought together within a circumference of four or five miles, presented many advantages for the working of this measure, which were not to be found in the rural districts, and it was a great fallacy to confound these different scenes of operation. In large towns, embracing many parishes, such as Colchester, for instance, an union might be effected advantageous to the payers of rates, and to those relieved. In that town, there were sixteen parishes, and it was absurd to say there ought to be sixteen distinct parish workhouses, with separate officers. But the case was far different in country districts, where the population was scattered over a wide surface; the workhouse in the centre of a district extending in opposite directions, perhaps ten miles, to reach which a miserable supplicant for relief might be compelled to walk, to and fro, twenty miles. It was this circumstance that preyed so heavily on their feelings, and led them to view the measure with deep and just abhorrence. This was an evil which called aloud for redress. Then, again, it was maintained, that the wages of the working classes had improved. Now, nothing could be more opposed to the truth than this statement, and well the landlords knew it. Was it not their boast and secret congratulation that the Poor-law Bill had saved them nearly four millions sterling per annum; and in what way did this substantial saving to them relieve or improve the condition of the industrious classes. But no one who has read the evidence given before the Committee last year, or appeals to his own experience, will assert that the able-bodied labourer is receiving the same amount of wages. The principle upon which the new Act proceeded was, that nothing but indigence of the extremest caste constituted a claim to relief. That principle it was found impossible rigidly to adhere to in practice. Let the House remember that it was entirely owing to the meritorious labours of his hon. Friend, the Member for Oldham, and to the discussions which had taken place in that House, that the labouring classes had been partially relieved from the cruel regulations which had been proclaimed from Somerset House. And even now, it is only where the masses become formidable, that the law is relaxed, while in the rural districts the same stern severity is observed. The relaxation of the rule prohibiting out-door relief, is the exception, and then only when fear intimates the prudence of so doing. If, indeed, it be otherwise, let the noble Lord so say. Let it be once clearly understood that the Poor-law guardians have the power, and that in cases of temporary distress amongst honest and industrious able-bodied labourers, out-door relief may be given; in short, that generosity and kindness were to be the ruling principle of assistance, and much, very much, of the hostility which now prevails against this Act would quickly subside. Again, the powers of the Commissioners must be restricted. Was it proper that an institution of this description should exist, so unconstitutional in its combinations, so oppressive in its authority, so irresponsible in all its decrees as the dictatorial central board by which the entire Poor-law system was managed? The opponents of this law would be greatly disarmed of their hostility if the Poor-law guardians throughout England were vested with the due discretionary power as to the administration of relief. The great, the decided error in the machinery of this Bill, was the peculiar constitution of the board of Commissioners sitting in Somerset House, vested, as they were, with an original and absolute authority, and not sitting as a board of appeal. Their authority was so extensive, that they had the power, not only of confirming, but originating, laws of the most stringent nature; a circumstance, perhaps, of all others the most repulsive to the feelings of all those who objected to the unconstitutional nature of this tribunal. It appeared to be the delight of those men to speculate upon the minimum of human subsistence, and they maintained that a labouring man, with a wife and four children, could subsist decently upon 9*s.* a-week, or 1*s.* 8*d.* per head. An illustration of the fallacy of this heartless calculation had lately been given in the will of a noble Lord, whose enormous wealth repudiated the notion that he was too indulgent to luxurious habits. The noble Lord (Eldon) had actually bequeathed 8*l.* a-year for the support of a favourite dog, being upwards of 3*s.* a-week, or double the allowance asserted to be sufficient for the support of an able-bodied hard-working man. Now, were the admirers of the Poor-law Act prepared to say, that a brute dog was worthy of better fare, than two human beings. It was his (Mr. Harvey's) conviction, that some efficient measures must be adopted for raising the rate of wages. He had often before observed, that the Poor-law

Act and the Corn-law Act could not co-exist in this country. According to the existing system, they depreciated the value of agricultural labour when converted into corn—the sole food of the poor. The necessary consequence of that system was to raise the price of bread; and how, he would ask, could a labourer, situated as he had before described, with a wife and four children, support them, even with bread, upon such scanty wages as they now received? It had been his fortune to attend before a Committee of the House, before which a labourer was produced as a witness, whose tottering condition, the consequence of deficient food, had rendered it necessary to provide him with a chair while giving his evidence. The wages of this poor man were no more than 8*s*., and out of this miserable sum he was obliged to support a wife and several children. It was only at rare intervals that the wife had it in her power to indulge in her favourite beverage of tea; and the sustenance of the whole family was of the most meagre description. This was but one instance out of many. By existing laws, and the pressure of cruelly unequal taxation, the poor man was stripped of 4*s*. out of every 10*s*. If the appeals of the friends of the working classes in that House were unheeded, the attention of the working community out of the House would be strenuously and strongly directed towards the subject. And then they would speak with a voice of power and moral energy for which some hon. Members might perhaps wish to see substituted turbulent opposition and insurrectionary movements. This was a course into which they were too wise to be entrapped. While they perfectly knew their strength, they had the sagacity to exert it, at the fittest time and in the best way. As regarded the motion before the House, for the reasons already stated, he conceived it to be his duty to move the previous question; because, while, upon the one hand, a Committee was sitting, and a motion pending upon the part of his hon. Friend, the Member for Finsbury, for a commission to inquire into the actual working of this measure, he felt it was injurious to the real interests of the industrious classes, to vote for the instant and unconditional repeal of the Act; and still more did he deprecate the attempt of drawing the House into an unqualified approval of its principles. He would persevere in his motion.

Lord *John Russell* hoped, the House would not adopt the manner recommended by the hon. Member who had just sat down of disposing of the original motion. No consideration that the Committee was now sitting—no consideration that future inquiry might be made—ought to prevent the House from coming to a decision upon a point upon which he thought the House was fully and sufficiently informed—namely, whether the New Poor-law should be totally and absolutely repealed. He must say, he thought it a matter of great satisfaction to the defenders of that Act, after the unmeasured terms which had been used against it, more especially at those meetings at which the hon. and learned Gentleman said, there had been no threatening on the part of the multitude, but where, at the same time, every kind of exciting language had been used—he did think, after all these attempts, and after all such evidence as could be collected had been presented to that House, the time was now come when they might say whether they were prepared to decide that the Poor-law Amendment Act should or should not be repealed. He would be no party to holding out to the country, if this question were now put off, that any decision to which the Poor-law Committee could come, or of which they had any prospect, would be at all liable to lead to the repeal of that law, or to any alteration of its main provisions. And he must also say, that although many of the charges which were made against that law seemed to have been abandoned, yet those who had lately attacked it, had attacked it on grounds different from those they had formerly advanced — namely, that it took away from the able-bodied labourer, while not in the receipt of wages, the power of getting an allowance for his family. Last year they had been told, that the chief pressure was upon the aged; and the hon. Gentleman to-night attacked it on a different account. The question mooted last year, and partly this, was, that although the bill might be applicable to, and work beneficially for, the agricultural districts, yet it was totally inapplicable to towns and manufacturing populations. The hon. Member, nevertheless, now said, it worked well in towns, and that it ought to be repealed as regarded the agricultural districts. While accusations of so shifting a character were afloat — accusations which were hardly ever brought forward without a great deal of exaggeration and mixed with a great deal of matter which did not properly belong to the question--it was proper for the House to declare whether it would sanction or rebut the charges made against the present law. He would read to the House an extract from a newspaper with regard to the expectations entertained in reference to this motion. His own opinion was, that the excitement which had been got up in the north was altogether artificial; and that the persons concerned in endeavouring to excite a feeling of hostility to the new poor-law, did not, altogether, amount to a dozen, neither respectable in point of circumstances or intelligence. They had invited delegates from the north and other parts of the country to attend meetings, at which the people no doubt assembled, through curiosity, to hear the harangues of Mr. Oastler, Mr. Stephens, and Mr. Feargus O'Connor. The result was, that a meeting of delegates took place at Manchester, which he believed was not very numerously attended. At this meeting the most exciting language was used. The noble Lord read an extract from some newspaper stating that the motion of the hon. Member for Oldham for the repeal of the poor-law act was to be introduced on the 20th; that it would be strenuously supported by the South Lancashire Poor-law Association, which had been engaged for some months in spreading tracts to show the injustice of the Poor-law Act and that their efforts had been generally attended with conviction to the minds of the people, that the law was repugnant to the first rights which they derived under the British constitution. He would not read to the House the violent language which had been used in support of the resolutions proposed at this meeting. The resolutions, themselves, three in number, were to the effect, that the act recently passed, called the poor-law amendment act, had repealed all the wise, and humane provisions of the 43rd of Elizabeth, and had taken away the rate payer's control over the funds and the management of his own affairs; that under this new system the poor were subjected to a most tyrannical system, by confinement in large prisons, by separation of husband from wife, by difficulties thrown in the way of relief, and that its effects were to increase child murder, female suicide, and death by starvation. This was the statement made at the meeting of the delegates, collected after months of agitation on the part of the opponents of the new poor-law, and such were the consequences which they stated to have resulted from that act. They sent up a petition to that House, signed by many, no doubt, who sincerely believed that such really was the result of the law; and yet, when the question came under consideration, the hon. and learned Member, one of its chief opponents, proposed, that the representatives of the people should give no decision on it. Justice to the individuals who took this view of the subject required that the House should declare whether it sanctioned their description of a law now in operation, and by which the country was now governed. If the House agreed in that description of the law, let it not lose a moment in repealing it. If, on the contrary, the House were of opinion that it should still remain the law of the land, let it not deprive those by whom it was to be carried into operation, of the moral force which was necessary for that purpose by withholding the expression of its approbation. After the able speech of his noble Friend, as to the general effect of the law, he would not enter into details. It appeared to him, however, that notwithstanding all the descriptions which had been given of the law, and although it contained many provisions, yet that it was far more simple in its principle than was generally understood or considered. The poor-law of Elizabeth decided that certain persons infirm and impotent, should be relieved, and that able-bodied persons should be set to work. A subsequent law, the 9th of George 1st, decided that certain persons who it had declared should receive relief, should be put upon the list, but that the parishes united together should have the power of erecting poor houses, and employing them there, and that if they refused the relief given, under such circumstances, they should be struck off the list. These two acts of Elizabeth and George 1st taken together, constituted the main body of the law under the present act. The latter law was changed in 1796 by another law, departing from the principle of the former, but which he thought they had done very well to repeal in 1834. The main body of the present law to be carried into effect was, however, contained in these two acts, and what they had done by the poor-law amendment act was merely to say that there should be a better means of carrying those acts into operation. And whereas the power of giving or refusing relief, the administration under vestries, the separating of parishes according to the decision of a single magistrate, had led to great and mischievous abuses, they thought it better that there should be unions of parishes, and representative guardians for a number of parishes together, who would consult with reference to the state of the neighbourhood, and be able to decide as to the cases of individuals with reference to their general condition. They had moreover thought it better that there should be three Commissioners sitting in London, with the power to lay down rules for the guidance of the guardians. Those guardians, when cases arose where it might be necessary to afford relief, had the benefit of the views of the board in London, which acted, not in opposition to, but in accordance and co-operation with, the country boards. It appeared to him that the whole of this Poor-law Amendment Act contained little else than what he had stated, and that a great deal of what was said about the tyranny and cruelty of the rules to be carried into effect by the Commissioners, was not only exceedingly exaggerated, but completely erroneous. One of these rules had been made use of on the hustings and elsewhere as a very popular and exciting topic—he meant the separation of the husband and wife in the workhouse. Now, in reference to that point, let him ask, was it a scheme first thought of in 1834? In those very extracts, collected by the Commissioners of inquiry before the Act passed, it was stated, that in the Liverpool workhouse the separation of husband and wife had already been effected. There was another case which he was only told of in conversation, but which he nevertheless believed to be true, namely, that there was a parish in London the guardians of which had resisted the introduction of the Poor-law Amendment Act. They went to the King's Bench, stated their case to the judges, who decided that they were free from the operation of that act. They were asked whether the husband was separated from his wife in the workhouse, and they replied "certainly, that such had always been the case, and that they could not think of any thing so improper as to admit them to remain together: and yet although that had been the case in every large and well regulated workhouse throughout the country, an outcry was raised against the New Poor-law as if it were contrary to the law of nature and the laws of God. He did not wish to go into the merits of the question. He was ready to admit that some modification of the system might be required in certain cases, and in particular parishes, but, at the same time, he was of opinion that the experience of the Commissioners, to which he was disposed to trust, would enable them to remedy the evil. His belief was, and every conversation he had with them he was the more thoroughly convinced, that they understood fully the nature of the duty imposed upon them—that they wished to perform that duty with the most humane feeling; and that no assistance which others might give them could more effectually enable them to discharge that duty well, than their own intelligence and humanity.

Sir *R. Peel* was not about to enter into the consideration of the question, but he felt bound to state how and upon what grounds he intended to vote. He intended to give a direct negative to the proposition of the hon. Member for Oldham, and he could not consent to vote for the proposition just made to the House by the hon. and learned Gentleman on his left, namely, that this question should not be put, and that Parliament should express no opinion on it. When he recollected that four years since there was an universal impression on the part of Parliament and on the part of the country that the mode of administering relief then in existence was pregnant with the most injurious consequences, that it was, in point of fact, destroying property, and that, in the destruction of property, they were doing most irreparable injury to the poor, inasmuch as it was not merely property itself that was injured, but that, by the mode of its appropriation they were relaxing all the springs of industry, and holding out a temptation to idleness; when he recollected that Parliament, with the universal consent of the country, had determined to make a great experiment for the purpose of recovering the country from that state of things, he thought it would not now be either fair or candid on the part of Parliament to refuse to pronounce an opinion as to whether that experiment should be adhered to or not. He did believe that the hon. Gentleman who had made the first proposition, in compelling a decision on this question, would do more to establish the Poor-law Act, and to ensure its satisfactory operation, by eliciting the expressed determination of, he hoped, a large majority of that House, to uphold its principle; that the hon. Gentleman would thereby be doing more towards benefiting the principle, and towards the satisfactory operation of the measure itself, than any combination between the Ministry and Opposition could effect; because, in point of fact, while the country was in doubt as to the intention of Parliament, no system could be satisfactory. In his own part of the country, doubts had been entertained as to the propriety of enlarging the workhouses, arising from the expectation that a motion would be made in Parliament for the repeal of the law; and while those doubts were entertained—whether it were intended to adhere to the present, or revert to the old system—they would prevent the satisfactory operation of the law. He therefore, rejoiced that the hon. Member had taken the means of provoking a decision. A Committee was now sitting for the purpose of ascertaining whether, consistently with the maintenance of the principle, it would be proper to make any relaxation in the present measure. Therefore, while they maintained the principle of the existing Poor-law it would be perfectly competent for them to apply individual remedies to particular evils; if they should be satisfied upon the evidence taken before that Committee that there were grounds for an alteration. But an alteration in the details of a law was a very different question from the maintenance of an existing system. When they were told that abuses existed in the administration of the Poor-law at present, how, he would ask, could they hope to see that great experiment, which necessity had compelled them to make, carried into operation without cases of abuse and individual hardship? It would be a perfect miracle, and contrary to the ordinary course of human affairs, to recover from evils, such as those in which the previous system was involved, without having individual cases of grievance, which they might deeply lament, but to which it was difficult to apply a remedy. He understood, that the Committee was appointed with a view to ascertain whether they could, consistently with the maintenance of the principle, relax any of the provisions of the present Poor-law Act. But on the whole he was bound to say, considering the magnitude of the experiment, which was only four years under trial, it was as satisfactory as any man could expect; and under these circumstances, believing it to be absolutely necessary, not to save the property of the rich (for that was a subordinate part of the question), but to elevate the moral condition of the labouring poor, and to invigorate the springs of industry, so far as the Bill went—and it was not to be expected that a wonderful change should be made in four years—the experiment was satisfactory. He thought, that there was a gradually increasing demand for honest labour, and that he had a right to anticipate, that the ultimate consequence of this law would be an increased reward for industry. He was therefore of opinion, that it would be discreditable to Parliament to hold out a hope or apprehension, as it would be to many, that the ancient system would be reverted to. He thought, too, if they did so, that those gentlemen throughout the country who had adhered to the principle of the Bill, and who had thereby subjected themselves to obloquy, would have a fair right to cast blame upon, and on any future occasion refuse to trust to the faith of, Parliament, or to co-operate with them in the furtherance of any law which they might deem necessary to enact.

Mr. *Fielden*, in reply, was understood to say, that the noble Lord had stated, that he had no objections to the Bill, or at least that he did not understand his objections. Now he (Mr. Fielden) had repeatedly stated, that he objected to the principle of the Bill, to nearly the whole of its details, and to the machinery with which it had been carried out. He had endeavoured to show the pernicious working of the new law, and also that the old Poor-law, when fairly carried out, was better administered than the new Act. None of his objections to the new law had been removed by the speeches of the noble Lords and other Members who supported it; on the contrary, his dislike to the measure had, if possible, been increased by the tone of the debate. [*Cries of* "*Divide!*"] Hon. Members might attempt to shout him down, but he would tell them, that, although they refused to listen to him, there were other means of making them learn what were the feelings of the people on this subject, not only in the manufacturing districts, but also in the other parts of the country. The working classes in England were, he firmly believed, the best people in the world; they worked harder than any other people, and were the most neglected and the worst requited class; and it was chiefly in consequence of the pernicious operation of the measure on wages that he wished for the repeal of this law. He had done all in his power to get rid of this measure, and the responsibility of continuing it would rest with the noble Lord and his colleagues.

The House divided on the previous question:—Ayes 321; Noes 13: Majority 308.

The House again divided on the question that leave be given to bring in the Bill:—Ayes 17; Noes 309: Majority 292.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Adam, Sir C.
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alsager, Captain
Alston, R.
Attwood, W.
Attwood, T.
Bagge, W.
Baines, E.
Baker, E.
Baring, F. T.
Baring, hon. W. B.
Barnard, E. G.
Barneby, J.
Barnes, Sir F.
Barrington, Viscount
Bateman, J.
Beamish, F. B.
Belfast, Earl of
Bell, M.
Bentinck, Lord G.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bethell, R.
Bewes, T.
Blackburne, I.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Blunt, Sir C.
Borthwick, P.
Bowes, J.
Bramston, T. W.
Briscoe, J. I.
Broadley, H.
Broadwood, H.
Brocklehurst, J.
Brodie, W. B.
Browne, R. D.
Bruges, W. H. L.
Buller, C.
Buller, E.
Buller, Sir J. Y.
Burr, H.
Burroughes, H. N.
Busfield, W.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir H.
Canning, rt. hn. Sir S.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chaplin, Colonel
Chapman, A.
Chetwynd, Major
Chichester, J P. B.
Christopher, R. A.
Chute, W. L. W.
Clay, W.
Clive, E. B.
Clive, Viscount
Clive, hon. R. H.
Cole, Viscount
Collier, J.
Compton, H. C.
Copeland, Alderman
Courtenay, P.
Craig, W. G.
Creswell, C.
Cripps, J.
Curry, W.
Dalmeny, Lord
Darby, G.
Dashwood, G. H.
Dennistoun, J.
Divett, E.
Douglas, Sir C. E.
Dowdeswell, W.
Duckworth, S.
Dugdale, W. S.
Duncan, Viscount
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dunlop, J.
East, J. B.
Easthope, J.
Eastnor, Viscount
Eaton, R. J.
Ebrington, Viscount
Egerton, W. T.
Egerton, Sir P.
Elliot, hon. J. E.
Ellice, E.
Erle, W.
Estcourt, T.
Evans, G.
Evans, W.
Farnham, E. B.
Fazakerley, J. N.
Fielden, W.
Fielden, J.
Fellowes, E.
Ferguson, Sir R. A.
Finch, F.
Fitzalan, Lord
Fitzimon, N.
Fleming, J.
Fort, J.
Fremantle, Sir T.
Gillon, W. D.
Gladstone, W. E.
Goulburn, rt. hon. H.
Greene, T.
Grey, Sir G.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Grote, G.
Hale, R. B.
Halford, H.
Hall, B.
Handley, H.
Harcourt, G. G.
Hastie, A.
Hawes, B.
Hawkes, T.
Hawkins, J. H.
Heathcote, G. J.
Henniker, Lord
Heron, Sir R.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodgson, R.
Hogg, J. W.
Hollond, R.
Holmes, W.
Horsman, E.
Houstoun, G.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Hughes, W. B.
Hume, J.
Hurst, R. H.
Hurt, F.
Hutton, R.
Ingestrie, Viscount
Ingham, R.
Inglis, Sir R. H.
Irton, S.
James, W.
Jenkins, R.
Jervis, J.
Johnson, General
Jones, W.
Kinnaird, hon. A. F.
Knatchbull, hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lambton, H.
Langdale hon. C.
Lascelles, hon. W. S.
Lefevre, C. S.
Lemon, Sir C.
Lennox, Lord G.
Lennox, Lord, A.
Leveson, Lord
Litton, E.
Loch, J.
Lockhart, A. M.
Logan, H.
Long, W.
Lowther, J. H.
Mackenzie, T.
Macleod, R.
Macnamara, Major
Maher, J.
Manners, Lord C. S.
Marshall, W.
Marsland, H.
Marsland, T.
Martin, J.
Marton, G.
Maunsell, T. P.
Melgund, Viscount
Mildmay, P. St. J.
Miles, W.
Miles, P. W. S.
Milton, Viscount
Molesworth, Sir W.
Moneypenny, T. G.
Mordaunt, Sir J.
Morpeth, Visct.
Murray, rt. hn. J. A.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
O'Connell, M. J.
O'Conor, Don
Ossulston, Lord
Packe, C. W.
Paget, Lord A.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Palmer, R.
Palmerston, Viscount
Parker, J.
Parker, R. T.
Parrott, J.
Patten, J. W.

Pease, J.
Pechell, Captain
Peel, right, hon. Sir R.
Pendarves, E. W. W
Perceval, Colonel
Perceval hon. G. J.
Philips, M.
Philips, G. R.
Phillpotts, J.
Pinney, W.
Plumptre, J. P.
Ponsonby, C. F. A. C.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Pringle, A.
Protheroe, E.
Pryme, G.
Pusey, P.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Richards, R.
Rickford, W.
Roche, W.
Rolfe, Sir R. M.
Rose, rt. hn. Sir G.
Round, C. G.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord C.
Sandon, Viscount
Sanford, E. A.
Scrope, G. P.
Seymour, Lord
Sharpe, General
Shaw, right hon. F.
Sibthorp, Colonel
Sinclair, Sir G.
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Somers, J. P.
Speirs, A.
Stanley, M.
Stanley, W. O.
Stansfield, W. R. C.
Steuart, R.
Stuart, H.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, J. H.
Talfourd, Sergeant
Tancred, H. W.
Thompson, Alderman
Thornley, T.
Thornhill, G.
Tollemache, F. J.
Townley, R. G.
Troubridge, Sir E. T.
Tufnell, H.
Turner, W.
Vere, Sir C. B.
Verner, Colonel
Verney, Sir H.
Villiers, C. P.
Villiers, Viscount
Vivian, J. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Welby, G. E.
Wemyss, J. E.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
White, S.
Wilberforce, W.
Wilbraham, G.
Wilde, Mr. Sergeant
Wilkins, W.
Williams, W.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wodehouse, E.
Wood, G. W.
Wood, T.
Worsley, Lord
Wrightson, W. B.
Wyse, T.
Yates, J. A.
York, hon. E. T.

TELLERS.

Stanley, E. J.
Wood, C.

List of the NOES.

Bailey, J., jun.
Blewitt, R. J.
Brotherton, J.
Brownrigg, S.
D'Israeli, B.
Duncombe, hon. A.
Dungannon, Viscount
Fitzroy, hon. H.
James, Sir W. C.
Lewis, W.
Peel, J.
Vivian, J. E.
Wilbraham, hon. B.

TELLERS.

Harvey, D. W.
Young, G. F.

List of the AYES *on the Second Division.*

Attwood, W.
Attwood, T.
Burr, H.
D'Israeli, B.
Dungannon, Viscount
Fielden, W.
Grimsditch, T.
Hawkes, T.
Johnson, General
Jones, W.
Lewis, W.
Marton, G.
Parker, R. T.
Sibthorp, Colonel
Turner, W.
Wilberforce, W.
Williams, W.

TELLERS.

Fielden, J.
Wakley, T.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME XL.

(BEING SECOND VOL. OF SESSION 1837-8.)

- ABERDEEN, Earl of
  - Affairs of Canada, 648, 662, 772

- Abinger, Lord
  - Petty Offences, 249

- Advocate, the Lord, (Right Hon. John A. Murray)
  - Glasgow Cotton Spinners, 1073
  - Sheriffs' Courts (Scotland), 718, 719

- *Affairs of Canada, l.* 1, *c.* 7, *l.* 162, 249, *c.* 265, Com. *c.* 543—3rd Read. 616, *l.* 2nd Read. 644, 734—3rd Read. 837, *c.* 929

- Aglionby, Mr.
  - Private Bills, 356
  - Rating of Tenements, 835
  - Real Property, 914
  - Right of Petition, 1361

- *Answer to the Address, c.* 95, *l.* 253

- Ashburton, Lord
  - Affairs of Canada, 714, 847
  - Slave Trade, 613

- Attorney-General (Sir John Campbell)
  - Affairs of Canada, 595
  - Day Mail to Scotland, 912
  - Real Property, 912
  - Sheriffs' Courts, (Scotland), 719
  - Sligo Election, 1044

- Attwood, Mr. Thomas
  - Copartnership—Clergymen Trading, 819
  - Poor-laws (Ireland), Com. 1231

- Baines, Mr.
  - Affairs of Canada, 91, 149
  - Canada, 510
  - Duty on Linen in France, 773
  - Parliamentary Electors and Freemen Bill, *cl.* 1, 799, 809

- *Ballot, the, c.* 1131

- *Banking, c.* 773
  - —— *Joint Stock Companies l.* 1130

- Baring, Mr. F.
  - Day Mail to Scotland, 911

- Barneby, Mr.
  - Insane Persons, 1001

- Barron, Mr.
  - Catholic Members of Parliament, 946
  - Charitable Bequests (Ireland), 890, 900
  - Poor-laws (Ireland), Com. 987, 1018, *cl.* 31, 1264, *cl.* 35, 1271

- Blake, Mr.
  - Parliamentary Electors and Freemen Bill, 1250

- Boldero, Captain
  - Desertion in Canada, 823, 830

- Borthwick, Mr.
  - Affairs of Canada, 115, 159, 638
  - Canada, 538
  - Desertion in Canada, 829
  - Parochial Schools, (Scotland), 823
  - Right of Petition, 1361, 1362

- Brabazon, Sir W.
  - Poor-laws (Ireland,) Com. 1019

- *Breach of Privilege, c.* 1005

- Briscoe, Mr.
  - Parliamentary Electors and Freemen Bill, 995
  - Rating Tenements, 834

- Brotherton, Mr.
  - Affairs of Canada, 123
  - Parliamentary Electors and Freemen Bill, 998

- Brougham, Lord
  - Affairs of Canada, 2, 6, 177, 182, 249, 250, 251—2nd Read. 662, 664, 692, 701, 714, 771—3rd Read. 869—Protest against, 886
  - Glasgow Cotton Spinners, 931, 939, 1124, 1127
  - Negro Emancipation, 352, 1284, 1329, 1346, 1351, 1352, 1353, 1357, 1358, 1359
  - Petty Offences, 247
  - Presbyterian Oaths (Ireland) Bill, 1002
  - Re-hearing of an Appeal, 1247

Brougham, Lord—(*continued.*)
Slave Trade 96, 610, 612
Vote by Ballot, the, 1225, 1227
Wording of Petitions, 815, 816

Browne, Mr. D.
Affairs of Canada, 93, 119

Buller, Mr. C.
Affairs of Canada, 86, 158,
Ballot, the, 1214
Canada, 516
——— Mr. Roebuck's Petition, 264
Parliamentary Electors and Freemen Bill, *cl.* 1, 802, 804, 996
Poor-laws (Ireland), *cl.* 1, 1022

Bulwer, Mr. E. L.
Ballot, the, 1175
Canada—Adjourned Debate, 393

Burdett, Sir F.
Poor-laws (Ireland), Com. 1015

Callaghan, Mr.
Canada, 540

Campbell, Sir John, (*See* Attorney-General)

Campbell, Mr. W.
Parochial Schools (Scotland,) 822

Canada—Com. *c.* 476

——— *Adjourned Debate, c.* 358

——— *Mr. Roebuck's Petition, c.* 254

Canterbury, Archbishop of
See of Sodor and Man, 940

Carnac, Sir J.
Affairs of Canada, 57

Catholic Members of Parliament, c. 941

Cavendish, Mr. G. H.
Ballot, the, 1170

Cayley, Mr.
Affairs of Canada, 109

Chancellor of the Exchequer, the, (Right Hon. T. Spring Rice)
Banking, 773
Canada—Adjourned Debate, 440
Charitable Bequests (Ireland), 899
Church-rates, 889
Copartnership—Clergymen Trading, 816, 819, 918, 921
Day Mail to Scotland, 908
Glasgow Cotton Spinners, 1097
House of Lords, 1228
Medical Charities (Ireland), 831
Parliamentary Electors and Freemen Bill, *cl.* 1, 803, 995—3rd Read. 1257
Parochial Schools (Scotland), 820, 823
Poor-laws (Ireland), Com. 1229, *cl.* 18, 1235
Post-Office—Mr. Hill's Plan, 901, 904
Sligo Election, 1043
Trade with France, 890

Chancellor, the Lord, (Right Hon. Lord Cottenham)
Banking Joint-Stock Companies, 1130
Re-hearing of an Appeal, 1247

Chapman, Sir M. L.
Poor-laws (Ireland), Com. 1239

Chapman, Mr. A.
Ships' Mortgages Bill, 729

Charitable Bequests (Ireland), c. 890

Church Property (Ireland), c. 1113

——— *Rates, c.* 889

Clay, Mr.
Affairs of Canada, 125, 143
Parliamentary Electors and Freemen Bill, *cl.* 1, 796
Repeal of the New Poor-law, 1393
Ships' Mortgages Bill, 731

Clements, Viscount
Poor-laws (Ireland), 785, 1007, *cl.* 1, 1022, *cl.* 16, 1234, *cl.* 35, 1270

Coal Trade, the, c. 812

Colquhoun, Mr.
Parochial Schools (Scotland), 821

Conacre Tenants' (Ireland) c. 733

Conolly, Colonel
Poor-laws (Ireland), 986, Com. *cl.* 19, 1238, *cl.* 23, 1242, *cl.* 35, 1270

Copartnership—Clergymen Trading, c. 816, 837, 918

Cork Sessions, c. 1111

Cottenham, Lord, (*See* Chancellor, the Lord)

Courtenay, Mr.
Copartnership—Clergymen Trading, 918, 920 921

Custody of Infants, c. 2nd Read. 1114

Dalrymple, Sir A.
Affairs of Canada, 88
Parliamentary Electors and Freemen Bill, 790

Darby, Mr.
Affairs of Canada, 93
Repeal of the New Poor-law, 1396

Day Mail to Scotland, c. 906

Denman, Lord
Banking Joint-Stock Companies, 1131

Desertion in Canada, c. 823

Devon Earl of
Slave-Trade, 615
Wording of Petitions, 816

Divisions, List of
Affairs of Canada, [A. 28, N. 188, M. 160] 93—3rd Read. [A. 110, N. 8, M. 102] 639
Ballot, the [A. 198, N. 315, M. 117] 1221

- Divisions, List of—(*continued.*)
  - Canada—Adjourned Debate, [A. 262, N. 16. M. 246] 469—[A. 101, N. 6, M. 95] 472
  - Parliamentary Electors and Freemen Bill; Mr, Hinde's Motion to divide the Bill into two parts, [A. 68, N. 158, M. 90] 792—*cl.* 1, [A. 206, N. 107, M. 99] 807—[A. 214, N. 118, M. 96] 810—That the Report be received, [A. 152, N. 75, M. 77] 998—3rd Read. [A. 189, N. 172, M. 17 1261
  - Poor-laws (Ireland), Com. [A. 277, N. 25, M. 252] 990—*cl* 1, [A. 117, N. 23, M. 94] 1023—*cl.* 12, [A. 148, N. 77, M. 71] 1026—*cl.* 18, [A. 47, N. 84, M. 37] 1236—*cl.* 19 [A. 107, N. 30, M. 77] 1240—*cl.* 23 [A. 124, N. 44, M. 80] 1245—*cl.* 35, [A. 75, N. 134, M. 59] 1282
  - Repeal of the New Poor-law [A. 321, N. 13, M. 308] 1413
  - Sheriffs' Court (Scotland), *cl.* 15 [A. 56, N. 24, M. 32] 720—*cl.* 17, [A 51, N. 20, M. 31] 721
  - Sligo Election, [A. 128, N. 142, M. 14] 1109

- Duke, Sir J.
  - Ships' Mortgages Bill 773

- Duncombe, Mr. T.
  - Church Rates, 889
  - Parliamentary Electors and Freemen Bill, *cl.* 1, 794

- Dundas, Captain W.
  - Poor-laws (Ireland), *cl.* 15, 1029

- Dungannon, Viscount
  - Canada, 541

- Durham, Earl of
  - Affairs of Canada, 240

- *Duty on Linen in France, c.* 773

- Ebrington, Viscount
  - Catholic Members of Parliament, 945
  - Parliamentary Electors and Freemen Bill, *cl.* 1, 802
  - Regulations for Steam Vessels, 774

- *Education in Canada, c.* 914
- ———— *Ireland, l.* 930

- Egerton, Lord Francis
  - Affairs of Canada, 323, 344

- Eliot, Lord
  - Affairs of Canada, 55
  - Trade with France, 889

- Ellenborough, Lord
  - Affairs of Canada, 5,—3rd Read. 837, 884, 885—Protest against, 886
  - Banking Joint-Stock Companies, 1131
  - Negro Emancipation, 1360
  - Slave Trade, 612

- Ellice, Mr.
  - Affairs of Canada, Com., 550, 592.
  - Canada, 484, 508

- Elliot, Mr.
  - Ballot, the, 1196

- Ellis, Mr.
  - Affairs of Canada, 157
  - Poor-laws (Ireland), *cl.* 35, 1280

- Evans, Colonel
  - Canada, 530
  - Parliamentary Electors and Freemen Bill, *cl.* 1, 797

- Exeter, Bishop of
  - Education (Ireland), 930

- Ferguson, Sir R.
  - Poor-laws (Ireland), Com. *cl.* 16, 1235

- Fergusson, Mr. Cutlar
  - Sheriffs' Courts (Scotland), 717

- Fielden, Mr.
  - Glasgow Cotton Spinners, 1103
  - Repeal of the New Poor-law, 1362, 1412

- Fitzwilliam, Earl of
  - Affairs of Canada, 245—3rd Reading, 883—Protest against, 888

- Follett, Sir William
  - Affairs of Canada, 590, 595
  - Copartnership—Clergymen Trading, 921
  - Parliamentary Electors and Freemen Bill, 1259

- Forbes, Mr.
  - Sheriffs' Courts (Scotland), *cl.* 17, 721

- Fremantle, Sir T.
  - Right of Petition, 1362

- French, Mr. F.
  - Medical Charities (Ireland), 831
  - Poor-laws (Ireland), Com. 1230, *cl.* 16, 1234
  - Sligo Election, 1033, 1043, 1107, 1108

- Freshfield, Mr.
  - Sligo Election, 1106

- Gibson, Mr.
  - Poor-laws (Ireland), 780—Com. 989

- Gillon, Mr.
  - Affairs of Canada, 113
  - Canada, 525
  - Day Mail to Scotland, 910
  - Parliamentary Electors and Freemen Bill, *cl.* 1, 799
  - Parochial Schools (Scotland), 822
  - Sheriffs' Courts (Scotland), 719

- Gladstone, Mr.
  - Canada—Mr. Roebuck's Petition, 257, 265
  - ———— Adjourned Debate, 419

- *Glasgow Cotton Spinners, l.* 931, *c.* 1059, *l.* 1124.

- Glenelg, Lord
  - Affairs of Canada, 1, 6, 7, 162, 176, 182, 243, 251—2nd Read., 644, 708—3rd Read., 772, 844, 885
  - Negro Emancipation, 1317, 1329, 1353
  - Slave Trade, 614, 615,

Gordon, Mr.
  Parochial Schools (Scotland), 823

Gore, Mr. O.
  Poor-laws (Ireland), Com. 986

Goring, Mr.
  Poor-laws (Ireland), *cl.* 15, 1029

Goulburn, Mr.
  Coal Trade, the, 814
  Cork Sessions, 1112
  Custody of Infants, 1123
  Parliamentary Electors and Freemen Bill, 1256
  Poor-laws, (Ireland), *cl.* 1, 1022, *cl.* 12, 1025, Com. *cl.* 18, 1235, *cl.* 19, 1239.
  Qualification of Members, 928
  Real Property, 913
  Sligo Election, 1043
  Votes in Committee, 917

Grattan, Mr. James
  Poor-laws (Ireland), 782, *cl.* 1, 1022, *cl.* 16, 1234, *cl.* 23, 1244

Grey, Sir George
  Affairs of Canada, 143, 312, *cl.* 2, 587, 594, 640
  Canada—Mr. Roebuck's Petition, 262, 265

Grote, Mr.
  Affairs of Canada, 59, 633
  Ballot, the, 1131, 1219
  Canada—Adjourned Debate, 399
  ———Mr. Roebuck's Petition, 254, 255
  House of Lords, 1228, 1229
  Petition of Mr. Roebuck, the, 159, 162

Guest, Mr.
  Jury Laws, (Scotland)—Cotton Spinners, 474

Haddington, Earl of,
  Wording of Petitions, 815

Hall, Mr.
  Ballot, the, 1193
  Parliamentary Electors and Freemen Bill, *cl.* 1, 801

Harvey, Mr. D. W.
  Affairs of Canada, Com. 563
  Glasgow Cotton Spinners, 1100
  Parliamentary Electors and Freemen Bill, 997
  Repeal of the New Poor-law, 1400

Hawes, Mr.
  Affairs of Canada, 157, 158
  Pluralities, 723

Hawkes, Mr.
  Qualification of Members, 927

Herbert, Mr.
  Ballot, the, 1166

Hinde, Mr. H.
  Parliamentary Electors and Freemen Bill, 790

Hindley, Mr.
  Glasgow Cotton Spinners, 1103
  Poor-laws (Ireland) 783

Hodges, Mr.
  Repeal of the New Poor-law, 1398

Horsman, Mr.
  Catholic Members of Parliament, 944

House of Lords, *c.* 1228

Howick, Viscount
  Affairs of Canada, 80, *c.* 569
  Desertion in Canada, 826, 829
  Poor-laws (Ireland), *cl.* 12, 1026, 1029, *cl.* 16 1233, *cl.* 23, 1244
  Repeal of the New Poor-law, 1373

Hume, Mr.
  Affairs of Canada, 42, 91, 129, 149, 310, 311, 582, 623
  Banking, 773
  Controverted Elections, 725
  Day Mail to Scotland, 908
  Desertion in Canada, 828
  Education in Canada, 914, 916
  Glasgow Cotton Spinners, 1099
  Parliamentary Electors and Freemen Bill, *cl.* 1, 797
  Parochial Schools (Scotland), 821
  Pluralities, 273
  Poor-laws (Ireland), Com. 1244
  Post-office—Mr. Hill's Plan, 902
  Private Bills, 356
  Sheriffs' Courts (Scotland), 719, 720
  Trade with France, 889
  Votes in Committee, 916, 918

Hutton, Mr.
  Canada, 516

Ingham, Mr.
  Ships' Mortgages Bill, 702

Inglis, Sir R. H.
  Affairs of Canada, 158, 629
  Canada—Mr. Roebuck's Petition, 254, 255
  Caroline the—The United States, 715
  Catholic, Members of Parliament, 944
  House of Lords, 1229
  Municipal Corporations (Ireland), 723
  Pluralities, 722, 723
  Sligo Election, 1042

Insane Persons, *c.* 1000

Jackson, Mr. Sergeant
  Cork Sessions, 1113

James, Mr.
  Affairs of Canada, 126
  Ballot, the, 1168
  Jury Laws (Scotland)—Cotton Spinners, 474
  Sir Francis Vane, 1248

Jephson, Mr.
  Cork Sessions, 1111
  Poor-laws (Ireland) Com. *cl.* 23, 1242

Jervis, Mr.
  Parliamentary Electors and Freemen Bill, *cl.* 1, 801, 992, 995

Jervis, Mr.—*continued.*
Poor-laws (Ireland), Com. *cl.* 23, 1243
Ships' Mortgages Bill, 731

Johnson, General
Right of Petition, 1360, 1361, 1362

Jones, Captain
Poor-laws (Ireland), *cl.* 35, 1280

Jury Laws (Scotland)—Cotton Spinners, c. 473

Knatchbull, Sir E.
Parliamentary Electors and Freemen Bill, 995
Rating of Tenements, 883

Labouchere, Mr.
Canada—Adjourned Debate, 414
Coal Trade, the, 812, 814
Post Office—Mr. Hill's Plan, 903
Trade with France, 890

Lansdowne, Marquess of
Affairs of Canada, 234, 250, 863
Education (Ireland), 930
Presbyterian Oaths (Ireland), Bill, 1002, 1004

Leader, Mr.
Affairs of Canada, 89, 329
Desertion in Canada, 827
Parliamentary Electors and Freemen Bill, *cl.* 801

Lefevre, Mr. S.
Affairs of Canada, 357

Lefroy, Mr.
Church Property (Ireland), 1114

Liddell, Mr.
Repeal of the New Poor-law, 1389

Litton, Mr.
Poor-laws (Ireland), 987, Com. *cl.* 31, 1264

Lyndhurst, Lord
Re-hearing of an Appeal, 1248

Lucas, Mr.
Affairs of Canada, 124
Conacre Tenants (Ireland), 733
Poor-laws (Ireland), *c.* 981, *cl.* 1, 1022, 1230, 1231, *cl.* 19, 1237, *cl.* 35, 1275

Mackinnon, Mr. A.
Occupation of Algiers, 1049, 1059

Maclean, Mr.
Parliamentary Electors and Freemen Bill, 792, 809, 3rd Read. 1250

Mahon, Lord
Occupation of Algiers, 1059

Mahony, Mr.
Church Property (Ireland), 1113, 1114
Cork Sessions, 1111

Mansfield, the Earl of
Affairs of Canada, 853

Maule, Mr.
Copartnership—Clergymen Trading, 921

Medical Charities (Ireland), c. 831

Melbourne, Viscount
Affairs of Canada, 3, 4, 217, 252—2nd Read. 685—3rd Read. 879
Glasgow Cotton Spinners, 937, 1126

Miles, Mr. W.
Parliamentary Electors and Freemen Bill, 995
Poor-laws (Ireland), Com. *cl.* 35, 1281

Milnes, Mr.
Pontefract Election, 1031, 1032

Minto, Earl of
Negro Emancipation, 1351, 1357, 1359, 1360
Slave Trade, 608, 611, 612

Molesworth, Sir William
Canada—Adjourned Debate, 358

Morpeth, Viscount
Charitable Bequests, (Ireland), 897
Church Property (Ireland), 1114
Cork Sessions, 1112
Poor-laws (Ireland) Com. 1015, *cl.* 12, 1025, *cl.* 15, 1028, *cl.* 16, 1235, *cl.* 18, 1236, *cl.* 19, 1239, *cl.* 23, 1243, *cl.* 35, 1268

Municipal Corporations (Ireland), c. 723

Murray, Mr. John A., (*See* Advocate, the Lord)

Negro Emancipation, l. 352, 1284

O'Brien, Mr. S.
Affairs of Canada, 93
Canada—Adjourned Debate, 387
Charitable Bequests (Ireland), 896
Poor-laws (Ireland), Com. 977, *cl.* 15, 1028, *cl.* 16, 1235, *cl.* 23, 1241

Occupation of Algiers, c. 1045

O'Connell, Mr. D.
Church Property, (Ireland), 1114
Cork Sessions, 1111
Glasgow Cotton Spinners, 1084
House of Lords, 1228, 1229
Parliamentary Electors and Freemen Bill, 806
Poor-laws (Ireland), 779, Com. 947, *cl.* 1, 1021, 1023, *cl.* 12, 1025, 1026, *cl.* 15, 1029, 1030, 1023, *cl.* 16, 1232, 1233, *cl.* 18, 1236, *cl.* 19, 1237, 1240, *cl.* 23, 1242, 1243, *cl.* 31, 1263, 1265, *cl.* 35, 1276
Sligo Election, 1045, 1105

O'Conor, Mr. D.
Poor-laws (Ireland), *cl.* 31, 1265

Pakington, Mr.
Affairs of Canada, 346

Palmer, Mr. R.
Right of Petition, 1361

Palmerston, Viscount
Affairs of Canada, 157
Caroline, the—The United States, 715
Occupation of Algiers, 1057, 1059

- *Parliamentary Electors and Freemen Bill*, c. 789, 992, 3rd Read. 1249

- *Parochial Schools (Scotland)*, c. 820

- Pechell, Captain
  - Ballot, the, 1196
  - Rating of Tenements, 833

- Peel, Sir Robert
  - Affairs of Canada, 65, 149, 156, 159, Com. 550
  - Ballot, the, 1199
  - Canada, 501
  - ——— Adjourned Debate, 446
  - Copartnership—Clergymen Trading, 918, 920
  - Education in Canada, 916
  - Parliamentary Electors and Freemen Bill, 1251
  - Petition of Mr. Roebuck, the, 162
  - Poor-laws, (Ireland), *cl.* 12, 1025, *cl.* 15, 1029, 1230
  - Private Bills, 356
  - Qualification of Members, 927, 929
  - Rating of Tenements, 836
  - Repeal of the New Poor-law, 1410
  - Right of Petition, 1361
  - Sligo Election, 1044

- Perceval, Colonel
  - Sligo Election, 1041, 1108

- *Petition of Mr. Roebuck, the*, c. 159

- *Petty Offences*, l. 246

- Philips, Mr. Mark
  - Co-partnership—Clergymen Trading, 920
  - Rating of Tenements, 834

- Plumptre, Mr.
  - Catholic Members of Parliament, 941, 944

- *Pluralities*, c. 722

- *Pontefract Election*, c. 1030

- *Poor-laws, (Ireland)*, c. 2nd Read. 774—Com. 947, 1007, 1229, 1263

- *Post-Office—Mr. Hill's Plan*, c. 900

- Praed, Mr.
  - Parliamentary Electors and Freemen Bill, 791, *cl.* 1, 800
  - Qualification of Members, 924

- *Presbyterian Oaths (Ireland) Bill*, l. 1002

- Pringle, Mr.
  - Sheriffs' Courts (Scotland), 720

- *Private Bills*, c. 353

- Pryme, Mr.
  - Rating of Tenements, 833

- *Qualification of Members*, c. 982

- *Rating of Tenements*, c. 832

- *Real Property*, c. 912

- Redesdale, Lord
  - Slave Trade, 615

- Redington, Mr.
  - Canada, 530
  - Poor-laws (Ireland), Com. 985

- *Re-hearing of an Appeal*, l. 1247

- Reid, Sir J. R.
  - Ships' Mortgages Bill, 730

- *Repeal of the New Poor-law*, c. 1362

- Rice, Mr. Spring, (*See* Chancellor of the Exchequer)

- Rice, Mr. E. R.
  - Affairs of Canada, 345
  - Ballot, the, 1193
  - Right of Petition, 1362

- Richmond, Duke of
  - Petty Offences, 246, 248

- *Right of Petition*, c. 1360

- Ripon, Earl of
  - Affairs of Canada, 7, 176, 229, 772
  - See of Sodor and Man, 941

- Roche, Mr. William
  - Poor-laws (Ireland), 786, Com. *cl.* 31, 1264

- Rolfe, Sir R., (*See* Solicitor-General)

- Russell, Lord John
  - Affairs of Canada, 7, 88, 92, 96, 152, 156, 157, 159, 311, Com. 543, 584, *cl.* 2, 588—3rd Read. 642, 929
  - Answer to the Address, 95
  - Ballot, the, 1182
  - Canada, Com. 476, 517
  - ——— Adjourned Debate, 462, 471, 472
  - ——— Mr. Roebuck's Petition, 258
  - Caroline, the—The United States, 717
  - Education in Canada, 915
  - Municipal Corporations (Ireland), 725
  - Parliamentary Electors and Freemen Bill, 790, *cl.* 1, 796, 797, 804, 805, 809, 993,—3rd Read., 1250, 1254
  - Petition of Mr. Roebuck, the, 161, 162
  - Pluralities, 722
  - Poor-laws (Ireland), 787, Com. 965, *cl.* 1, 1021, *cl.* 31, 1264, *cl.* 35, 1281
  - Qualification of Members, 925
  - Rating of Tenements, 833, 836
  - Repeal of the New Poor-law, 1406
  - Right of Petition, 1361
  - Votes in Committee, 917

- Sandon, Viscount
  - Canada, 508
  - Ballot, the, 1172
  - Rating of Tenements, 834

- Sanford, Mr. Ayshford
  - Rating of Tenements, 835

- Scrope, Mr. Poulett
  - Poor-laws (Ireland), 782, Com. 1232, *cl.* 35, 1279

- *See of Sodor and Man*, l. 940

Shaftesbury, Earl of
Wording of Petitions, 815

Shaw, Mr.
Charitable Bequests (Ireland), 899
Church Property (Ireland), 1113
Cork Sessions, 1111
Desertion in Canada, 828
Medical Charities (Ireland), 831
Municipal Corporations (Ireland), 725
Poor-laws (Ireland), 778, Com. 973, *cl.* 1, 1021, *cl.* 19, 1238, 1239, *cl.* 23, 1242, 1243, *cl.* 31, 1264, *cl.* 35, 1265

Sheriffs' Courts (Scotland), c. 717

Ships Mortgages Bill, c. 726

Sibthorp, Colonel
Charitable Bequests (Ireland), 896
Parliamentary Electors and Freemen Bill, 790, *cl.* 1, 802,—3rd Read. 1258
Qualification of Members, 925

Sinclair, Sir George
Affairs of Canada, 616
Day Mail to Scotland, 911
Sheriffs' Courts (Scotland), 719

Sir Francis Vane, c. 1248

Slaney, Mr.
Ballot, the, 1197
Canada, 514
Glasgow Cotton Spinners, 1102

Slave Trade, l. 596

Sligo, Marquess of
Negro Emancipation, 1345

Sligo Election, c. 1033, 1106

Smith, Mr. V.
Custody of Infants, 1120

Solicitor-General, the, (Sir R. Rolfe)
Affairs of Canada, 590
Copartnership—Clergymen Trading, 837, 918, 921, 922
Ships Mortgages Bill, 730

Somerset, Lord G.
Affairs of Canada, 357
Coal Trade, the, 814
Rating of Tenements, 833

Somerville, Sir William
Canada, 541
Poor-laws (Ireland), Com. 1235

Speaker, the, (Right Hon. James Abercromby)
Affairs of Canada, 311, 357
Ballot, the, 1193
Catholic Members of Parliament, 946
Desertion in Canada, 829
House of Lords, 1228
Jury Laws (Scotland)—Cotton Spinners, 474, 475
Pontefract Election, 1032
Private Bills, 357
Right of Petition, 1361
Sligo Election, 1105
Votes in Committee, 917

Stanley, Lord
Affairs of Canada, 588
Canada—Mr. Roebuck's Petition, 260

Stanley, Mr. W. O.
Ballot, the 1196,

Steuart, Mr. R.
Parochial Schools (Scotland), 822

Strickland, Sir G.
Right of Petition, 1361

Style, Sir Charles
Poor-laws (Ireland), 774

Sugden, Sir E. B.
Affairs of Canada, *cl.* 2, 585, 640
Canada—Adjourned Debate, 406
Copartnership—Clergymen Trading, 837, 919
Custody of Infants, 1114, 1222
Glasgow Cotton Spinners, 1083
Parliamentary Electors and Freemen Bill, *cl.* 1, 803, 806, 996
Poor-laws (Ireland), Com. 1009, *cl.* 1, 1021, *cl.* 12, 1025, 1230, *cl.* 16, 1235, *cl.* 23, 1244, *cl.* 31, 1265, *cl.* 35, 1279
Qualification of Members, 922, 927

Sutherland, Duke of
Negro Emancipation, 1316
Slave Trade, 615

Talfourd, Mr. Sergeant
Custody of Infants, 1123

Tancred, Mr.
Custody of Infants, 1122

Thompson, Mr. Alderman
Affairs of Canada, 631
Ships' Mortgages Bill, 728

Thomson, Mr. P.
Duty on Linen in France, 774
Poor-laws (Ireland), Com. *cl.* 19, 1240
Private Bills, 353, 357
Regulations for Steam Vessels, 774
Ships' Mortgages Bill, 733

Trade with France, c. 889

Trench, Sir F.
Poor-laws (Ireland), Com. 989, *cl.* 19, 1240

Verney, Sir Harry
Affairs of Canada, 621
Rating of Tenements, 832, 836

Villiers, Mr.
Canada, 518

Vivian, Sir H.
Affairs of Canada, 127, 143

Vote by Ballot, the, l. 1225

Votes in Committee, c. 916

Wakley, Mr.
Affairs of Canada, 641

Wakley, Mr.—*continued.*
Breach of Privilege, 1005
Canada, 534
——— Adjourned Debate, 472
Catholic Members of Parliament, 943, 944
Custody of Infants, 1123
Glasgow Cotton Spinners, 1059, 1104
Insane Persons, 1000
Jury Laws (Scotland), Cotton Spinners, 473, 474, 475, 476
Petition of Mr. Roebuck, the, 161
Rating of Tenements, 834
Repeal of the New Poor-law, 1369

Walker, Mr. C. A.
Poor-laws (Ireland), Com 1021

Wallace, Mr.
Catholic Members of Parliament, 945
Day Mail to Scotland, 906
Parochial Schools (Scotland), 822
Post-office—Mr. Hill's Plan, 900, 905
Sheriffs' Courts (Scotland), 717, 720

Warburton, Mr.
Affairs of Canada, 92, 102, 158, *cl.* 2, 587, 637
Canada, 476
Copartnership—Clergymen Trading, 819
Insane Persons, 1000
Parliamentary Electors and Freemen Bill, *cl.* 1, 796, 799
Petition of Mr. Roebuck, the, 161, 162
Qualification of Members, 923, 929
Right of Petition, 1361
Votes in Committee, 917

Ward, Mr.
Affairs of Canada, 97, *c.* 584
Ballot, the, 1115
Pontefract Election, 1030

Wellington, Duke of
Affairs of Canada, 3, 223—2nd Read. 693, 714
Glasgow Cotton Spinners, 1129
Negro Emancipation, 1341, 1359

Whalley, Sir Samuel
Occupation of Algiers, 1045
Parliamentary Electors and Freemen Bill, 799

Wharncliffe, Lord
Affairs of Canada, 701
Petty Offences, 248
Re-hearing of an Appeal, 1247
Vote by Ballot, the, 1226

White, Mr. A.
Jury Laws (Scotland), Cotton Spinners, 475

Williams, Mr. W.
Canada—Adjourned Debate, 392
Parliamentary Electors and Freemen Bill, 995

Wood, Captain
Desertion in Canada, 827

Wording of Petitions, l. 815

Worsley, Lord
Ballot, the, 1195

Woulfe, Mr. Sergeant
Cork Sessions, 1113
Poor-laws (Ireland), *cl.* 15, 1029

Wrightson, Mr.
Poor-laws (Ireland), 782, Com. *cl.* 35, 1272

Wynn, Mr. Williams
Glasgow Cotton Spinners, 1102
Jury Laws (Scotland)—Cotton Spinners, 475
Sligo Election, 1107, 1108

Wyse, Mr.
Charitable Bequests, (Ireland), 897
Parochial Schools (Scotland), 821
Poor-laws (Ireland), Com. 1240, *cl.* 35, 1281

Young, Mr. G. F.
Canada, 508
Glasgow Cotton Spinners, 1101
Ships' Mortgages Bill, 726, 733

Young, Mr. John
Poor-laws (Ireland), Com. 988

END OF VOL. XL.

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